

The Workplace Responds to Domestic Violence:

A Resource Guide for Employers, Unions and Advocates



The National Workplace Resource Center on Domestic Violence
A project of the Family Violence Prevention Fund

Office for Victims of Crime
OVC
Advocating for the Fair
Treatment of Crime Victims

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For further information, please contact:

Family Violence Prevention Fund
383 Rhode Island St., Suite 304
San Francisco, CA 94103-5133
Phone: (415) 252-8900
Fax: (415) 252-8991
Email: fund@fvpf.org

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Note to the Reader:

Domestic violence can occur in any intimate relationship, whether the couple is married, living together or dating, and in heterosexual or same-sex relationships. Men can be victims of domestic violence, either in same sex or heterosexual relationships. However, the U.S. Department of Justice estimates that more than 90 percent of all victims of domestic violence are women and most perpetrators are men. Because of this majority, this manual uses the pronoun “she” when referring to victims of abuse and the pronoun “he” when referring to batterers. However, organizations must ensure that policies and programs are responsive to all employees or members who are victims of domestic violence, regardless of whether the victim is male or female.

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JANE DEE HULL
GOVERNOR
STATE OF ARIZONA

June 8, 2000

For many victims of domestic violence, the workplace is no sanctuary. Stalking, threats and actual violence follow them to work every day. According to the National Institute for Occupational Safety and Health, homicide is the leading cause of death of women in the workplace. Three women per week are killed by partners at their place of work.

Although 95% of abuse is directed toward women, men may also be victims. In addition, the physical and emotional injuries to children are devastating to our families and our future.

Domestic violence occurs every 12 seconds in this country, claiming thousands of lives and causing millions of serious injuries each year. Yet it hides behind closed doors and repeatedly goes unreported. Many suffer in silence.

Each of us has an opportunity to reduce the spread of one of the most serious public health threats of all time; by working together we have the power to change our culture. We can reduce domestic violence by speaking out against it and by reaching out to help the victims.

I am serious about stopping domestic violence in Arizona. The State has been awarded a grant from the Family Violence Prevention Fund to provide employers with information and training on domestic violence and workplace safety. This workplace manual contains valuable information about how your business can become a partner in a statewide collaboration of corporations, the Governor's Commission on Violence Against Women, the Arizona Coalition Against Domestic Violence and the Maricopa Association of Governments. In the future, your cooperation will be invited to participate in training on these important issues. I hope you will join with me to stop violence and make our State safe for families, neighbors and employees.

Sincerely,

A handwritten signature in black ink that reads "Jane Dee Hull".

JANE DEE HULL
Governor

June 1, 2000

Dear Valley Employer:

In the past two years, 102 Arizonans have lost their lives due to domestic violence. On average, police departments receive 100,000 calls each year related to domestic violence. The victims of this violence are men, women, and children who represent all ages, income levels, racial and ethnic groups. They are your neighbors, your employees and perhaps your family members. We are asking for your help to put an end to the violence that affects us all.

As employers, you know that the workplace is not immune to the impacts of domestic violence. Employers in our country lose an estimated \$3-5 billion each year because of lost productivity, employee turnover and health care costs. This violence impacts our children, families, neighborhoods and communities. Only a concerted effort will adequately address the magnitude of this tragic social condition.

The enclosed Workplace Policies Manual is one tool in a coordinated statewide effort to stop the violence. This Manual represents an important strategy identified in the Maricopa Association of Governments Regional Domestic Violence Plan. We are confident that it will provide you with essential information for your place of business, such as safety precautions, how to support a victim, and how to recognize signs of abuse. The Manual was developed by national experts at the Family Violence Prevention Fund, and provides perspectives from employers, unions, advocates and survivors of domestic violence. It includes sample policies for your security personnel, employee assistance programs, your supervisors and managers and your workforce. I would like to urge you to utilize the manual to develop internal policies and help organizations in the community address this tragedy.

The Workplace Policies Manual is complimented by training which will be available to your organization to assist you with developing policies and providing information to your supervisors and workers. Please join with us to stop domestic violence and make our communities safe for our families, neighbors and employees.

Sincerely,

Peggy Bilsten
Councilmember of Phoenix
Chairman, MAG Domestic Violence Coordinating Council

Preface

The Workplace Initiative in Arizona

The Governor, the Attorney General, the Arizona Coalition Against Domestic Violence, the Governor's Commission on Violence Against Women, the Maricopa Association of Governments and other task forces and councils are joining together and reaching out to establish a statewide collaboration focused on solutions to domestic violence in our communities. Our first effort will concentrate on a workplace violence initiative.

This collaboration will involve bringing partners from the employer community, social service agencies and the governmental arena together to address policies, protocol and training in the workplace. The Employers' Workplace Manual represents an important strategy toward achieving our goal.

Partners in this effort include the:

Governor's Office for Domestic Violence Prevention, which is committed to act on behalf of the Governor in coordinating Arizona's domestic violence and sexual assault resources, enhancing education and awareness of the impact of family violence, and promoting the development of a coordinated community response.

The Office of the Attorney General, which is committed to prevention, intervention and public safety issues related to domestic violence.

Arizona Coalition Against Domestic Violence, which will continue to be a voice for victims of domestic violence and a source of information and resources to the public-at-large including employers.

Governor's Commission on Violence Against Women, which is dedicated to providing leadership in the development, promotion, coordination and implementation of systems, programs, policies and legislation decreasing violence against women of all ages.

Maricopa Association of Governments (MAG), convened a Regional Domestic Violence Coordinating Council, which developed a comprehensive county-wide plan to address victim safety and batterer accountability. The Coordinating Council is committed to implementing the 41 recommendations outlined in this plan.

Arizona was one of ten (10) states selected for the Family Violence Prevention Fund/Corporate Citizenship Initiative Grant, which will provide technical assistance to employers instituting effective policies and practices to combat the effects of domestic violence in the workplace. This Workplace Manual will be our guide.

The partners would like express special appreciation to McMurry Publishing for their longstanding commitment to eradicating all forms of family violence and their assistance in the design and publication of this manual. Additionally, we acknowledge the Governor's Office for Domestic Violence Prevention, Governor's Innovative Prevention Grant that made the development and distribution of this material possible.

We appreciate the support and commitment of both large and small Arizona employers and look forward to working with them in developing and implementing workplace domestic violence policies across our state. Together we will find solutions to safeguard employees and their families.

Overview



This chapter contains the following information:

- Introduction **2**
- What is Domestic Violence? **2**
- What is Domestic Violence in the Workplace? **3**
- 10 Principles for Workplace Responses
to Domestic Violence **4**
- The Business Case for a Workplace
Response to Domestic Violence **6**
- Case Study: Karen’s Story — The Personal Costs of
Domestic Violence & How One Workplace Helped .. **10**
- Policy Planner **Insert**

Domestic violence is a workplace issue. This may sound like a new way to look at an age-old problem, but the fact is that domestic violence affects the workplace in terms of bottom-line economics, productivity, and employee safety and well-being. Nearly four million women are battered in this country every year, and most of these women are working women.¹

Domestic violence can result in reduced productivity, increased medical expenses, absenteeism, and increased risk of violence at the workplace. The fact is, organizations should examine their policies and procedures around domestic violence as it affects their employees because it makes good business sense. And what's good for the business is also good for the employee: workplaces are ideally poised to make a difference. The workplace is where many people spend at least eight hours a day, away from their abusers, and many programs, policies and services recommended in this book can be implemented with only moderate adjustments to current practices.

What is Domestic Violence?

Domestic violence is a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners.² The perpetrator does this as a means of achieving compliance from or control over his victim.

It is **purposeful conduct** perpetrated by adults or adolescents against their intimate partners in current or former dating, married or cohabiting relationships of heterosexuals, gay men, and lesbians. Despite this diversity, statistics from the U.S. Department of Justice estimate that over 90 percent of all victims of domestic violence are women.³ (Because the vast majority of domestic violence victims are women, this manual uses the pronoun “she” when referring to victims of abuse. However, men can also be victims of abuse, in same-sex or heterosexual relationships.)

It involves a **pattern of assaultive and coercive behaviors**, including physical, sexual, and psychological attacks as well as economic coercion. While actual physical assault may occur, the abuser is also very likely to use non-assaultive types of abuse, such as verbal abuse or economic control. Economic control can occur when the abuser prevents the victim from getting to work by taking her car keys away, controls all the household income, or denies her money for her day-to-day needs.

These patterns include a variety of tactics which are carried out in **multiple, sometimes daily episodes**. The result of this is that the victim can be disoriented and in a perpetual state of fear because she does not know what or when the next episode of abuse will be.

66 percent of Fortune 1000 senior executives believe their company's financial performance would benefit from addressing the issue of domestic violence among their employees

What Is Domestic Violence in the Workplace?

Domestic violence in the workplace is a broad concept that encompasses behavior that occurs both on and off the worksite. Domestic violence in the workplace includes all behavior that interferes with an individual's capability to safely and securely perform their duties at work. It includes all kinds of conduct, ranging from harassing or repeated telephone calls or faxes at work to unarmed and armed "show-ups" to homicide. Domestic violence in the workplace also includes conduct which occurs outside of the workplace, such as sleep deprivation and physical injuries (breaking fingers, etc.) which impact on an individual's ability to perform their job. A batterer's interference in the workplace or work success of his target is one of many means by which the batterer exercises and displays his attempt to exert power and control.

This Manual Can Help

Domestic violence is not going unnoticed. More than one in three Americans has witnessed an incident of domestic violence.⁴ Four out of five Americans surveyed say that domestic violence is an extremely or very important issue to them personally.⁵ A 1995 poll found that 91 percent of those surveyed felt it was a good idea for companies to support activities designed to educate the public on the prevention of domestic violence.⁶

The pages that follow will tell you step-by-step how to use this book. The Policy Planner and chapter follow-up questions will help walk you through your own policies to see where you are strong, and where you can make changes. You will find information on:

- ◆ hiring, training, promoting and evaluating employees
- ◆ how to talk to employees you think may be being abused
- ◆ clear definitions of domestic violence
- ◆ how to increase safety and security at work
- ◆ answers to legal and liability questions
- ◆ awareness-building materials such as brochures and fact sheets
- ◆ examples and success stories from other major businesses and organizations
- ◆ a guide to administering benefits
- ◆ the role of an Employee Assistance or Member Assistance Program
- ◆ and much, much more.

Domestic violence costs hundreds of millions of dollars in health care costs, much of which is paid for by employer benefits

This book is useful to three audiences: employers can use it to make sure they deal with domestic violence as effectively and appropriately as possible; unions can use it as a reference to their own member benefits and policies, as well as when discussing the issue with employers; and domestic violence advocates can use the book as a tool to reach out to employers in their area to raise awareness and educate about the issue.

By taking the time to review and utilize the tools in this book, you will be taking your first steps to reduce your health care costs, absenteeism and lost productivity due to stress and injuries from domestic violence. You can also have a profound impact on the lives and well-being of your employees and members. We thank you for taking the time to read and implement the recommendations in this book.

Ten Principles for Workplace Responses to Domestic Violence

The policies and programs outlined in this manual are based on ten principles that should underlie any organization's commitment to developing a comprehensive, supportive workplace response to domestic violence.

In 1995-96, a national coalition of employer, labor, and government organizations set out to define a set of standards that would guide workplace responses to domestic violence. The result of that process was a consensus document, called *Ten Principles for the Workplace*, which describes the attributes of a comprehensive and compassionate workplace response to domestic violence.

Creating Safe Workplaces:

- We will strive to create a workplace environment that is safe from all forms of violence, including domestic violence, and which supports victims of domestic violence to understand and access services, information, and protections available to them (see chapter 1).
- We will, to the fullest extent possible, take active measures to increase the safety of all employees who request assistance because they are victims of domestic violence. We acknowledge the importance of keeping all requests for assistance in confidence, making information available only on a "need to know" basis (see chapter 6).
- In all workplace responses to domestic violence, we will respect the authority and autonomy of the adult victim to direct her or his own life (see chapter 4).

94 percent of corporate security directors surveyed say that domestic violence is a high security risk at their company

10 Principles

Creating Fair Workplaces:

- We acknowledge that employees who are victims of domestic violence should have the same rights, opportunities, and benefits as all other employees (see chapters 3 and 5).
- We believe that employees should not be disciplined or terminated simply because they have been victims of domestic violence or because the employer fears the impact of domestic violence on the workplace (see chapter 2), nor should any person be denied opportunities for employment, benefits, or promotion because they are or have been victims of domestic violence (see chapters 3 and 5).
- We are committed to nondiscrimination against domestic violence victims in all aspects of our business and operations, including the delivery of services to customers (see chapter 9).
- We believe that employees who commit acts of domestic violence at or from the workplace must be treated or disciplined in the same manner as employees who commit other acts of violence or harassment at or from the workplace. Where appropriate, we will attempt to provide employees with referrals to certified batterers' treatment programs (see chapter 3).

Creating Informed and Productive Workplaces:

- We will strive to provide education on domestic violence to employees and/or union members. We believe that this education should include information about resources available in the workplace and/or community for victims of domestic violence and batterers (see chapter 1).
- We will strive to make all personnel, benefits, security policies, and employee assistance programs responsive to the needs of employees who are victims of domestic violence (all chapters).

Creating Socially Responsible Workplaces:

- As members of local, state, and national communities, we believe in our responsibility to support community efforts to end domestic violence (see chapter 10).

The Business Case for a Workplace Response to Domestic Violence

Over the past two decades, the American workplace has changed dramatically. Until fairly recently, it has been a place that focused almost exclusively on “getting the job done,” where workers were expected to leave their problems and personal lives at home — or risk losing their jobs.

More and more, employers today recognize that personal, “real life” problems affect job performance, and job performance affects the bottom line. Because of this change, employers now routinely offer employees a full spectrum of assistance programs to help them deal with issues such as drug addiction, family problems and AIDS — finding that doing so is ultimately more cost-effective than leaving employees to solve these problems on their own. Increasingly, employers across the U.S. are addressing domestic violence by implementing programs and policies that respond to and help prevent abuse and treat it as a preventable health problem and bottom-line business issue.

Business should respond to domestic violence in its own enlightened self-interest, and it should do so in a businesslike way. By working to mitigate the economic, legal, and productivity risks related to domestic violence, a business will also create a workplace that is safer for victims, and will send a powerful message to society that responding to domestic violence is “good business”.

What Is Domestic Violence?

Domestic violence is a pattern of assaults and controlling behaviors, including physical, sexual, and psychological attacks and economic control, that adults and adolescents use against their intimate partners. Domestic violence is lethal, common, and affects people of all cultures, religions, ages, sexual orientations, educational backgrounds and income levels. The overwhelming majority of adult domestic violence victims are women, and most perpetrators are men. Almost four million women are physically abused by their husbands, boyfriends or intimate partners every year.⁷ Forty-two percent of murdered women are killed by their intimate male partners.⁸ In a company that is mid-to large-sized, it is a certainty that employees are personally affected by domestic violence.

Domestic Violence: A Workplace Issue

Domestic violence doesn't stay at home when women go to work. Domestic violence often becomes workplace violence. It is crucial that domestic abuse be seen as

Domestic violence results in reduced productivity and increased absenteeism.

a serious, recognizable, and preventable problem, like thousands of other workplace health and safety issues that affect a business and its bottom line.

Public Perceptions

While some employers may feel that domestic violence is “too controversial” to address, corporate America has dealt with difficult issues before, such as AIDS, for example, and can do so with domestic violence. In fact:

- ◆ Public opinion research conducted in 1995 by a major insurance company found that 91 percent of consumers surveyed believe that it is a good idea for companies to support domestic violence awareness programs.⁹
- ◆ Business leaders agree that domestic violence is a problem that affects their workplaces: in another survey, 57 percent of senior corporate executives believe domestic violence is a major problem in society. One-third of them thought this problem has a negative impact on their bottom lines, and 40 percent said they were personally aware of employees and other individuals affected by domestic violence. Sixty-six percent believe their company’s financial performance would benefit from addressing the issue of domestic violence among their employees.¹⁰
- ◆ Seventy-eight percent of Human Resources professionals polled by *Personnel Journal* said that domestic violence is a workplace issue.¹¹

91 percent of consumers surveyed believe that it is a good idea for companies to support domestic violence awareness programs.⁹

Productivity

- ◆ Domestic violence affects productivity, and increases absenteeism.
- ◆ In a 1997 national survey, 24% of women between the ages of 18 and 65 had experienced domestic violence. Moreover, 37% of women who experienced domestic violence report this abuse had an impact on their work performance in the form of lateness, missed work, keeping a job or career promotions.¹²
- ◆ A study of survivors of domestic violence found that abusive partners harassed 74% of employed battered women at work. Domestic violence caused 56% of them to be late for work at least five times a month, 28% to leave early at least four days a month, and 54% to miss at least three full days of work a month. They said that abuse also affected their ability to keep a job.¹³
- ◆ Batterers also may be less productive or miss work because of violence, incarceration, or legal proceedings resulting from the violence.
- ◆ Forty-nine percent of senior executives polled said that domestic violence has a harmful effect on the company’s productivity.¹⁴

Notes

Health Care Costs

Many employers offer health care benefits to their employees. Not surprisingly, this is another arena where domestic violence has an impact on a company's bottom line.

- ◆ The total health care costs of family violence are estimated in the hundreds of millions each year, much of which is paid for by the employer.¹⁵
- ◆ Employers are aware of this economic burden: 44 percent of executives surveyed say that that domestic violence increases their health care costs and insurance costs.¹⁶

Workplace Safety

Employers are more concerned today about violence in the workplace than they were 20 years ago, as news stories of workplace shootings, often related to domestic violence, become increasingly common. They are right to be concerned: victims of domestic violence may be especially vulnerable while they are at work. The lethality of domestic violence often increases at times when the batterer believes that the victim has left the relationship. Once a woman attempts to leave an abusive partner, the workplace can become the only place the assailant can locate and harm her.

- ◆ Ninety-four percent of corporate security directors surveyed rank domestic violence as a high security problem at their company.¹⁷
- ◆ A large majority of EAP providers surveyed have dealt with specific partner abuse scenarios in the past year, including an employee with a restraining order (83%) or an employee being stalked at work by a current or former partner (71%).¹⁸

Legal Liability

Aside from the safety, ethical and bottom-line incentives to employers in developing positive policies regarding employees facing domestic violence, there are liability issues to consider. Domestic violence may raise legal issues in various circumstances. A batterer may stalk or assault his partner or others in the workplace. Or, abuse may occur between two co-workers in a dating or marital relationship.

Several laws may apply:

- ◆ Occupational safety and health laws generally require employers to maintain a safe workplace, which may include a violence-free workplace.
- ◆ Family and medical leave laws may require employers to grant leave to employees who are coping with domestic violence situations.

Case Study: **Karen's Story**

— The Personal Costs of Domestic Violence and How One Workplace Helped

The following is one woman's inspiring account of survival, and how her supervisor and co-workers helped her to escape an abusive relationship.

It may feel like we as individuals are powerless to prevent domestic violence. But I know this is not true. I myself am a survivor of domestic violence and can attest to the fact that individual people and their actions saved my life. I would like to share with you a little of my story to let you know that you can make a difference in the lives of people who are being abused.

My ex-husband was violent to me for two and one half years. Before getting married we dated for three years, with no instances of violence. The violence began within the first week of our marriage, when he pressed his hands against my mouth and nose attempting to smother me. After this incident, my husband would become violent almost nightly, often for no apparent reason. One of his favorite assaults was to strangle me with my back against the wall, my feet dangling a foot or so above the floor. He would get right into my face and scream, "What makes you think I won't kill you and then kill myself?" He would keep me up all night, often lecturing me endlessly and if I got sleepy he would attack me, often times choking me. I was in a constant state of exhaustion, sleeping an average of two hours a night. His violence was controlled and directed at certain parts of my body, so that the injuries were not visible to co workers and friends. Only one person asked me once about a swollen lip, and directly asked if my ex-husband had caused it. I was terrified that my husband would kill me if I told anyone, so I said no. This co-worker never again brought up the issue.

During the last two years of our marriage I tried to leave many, many times. Each time I attempted to leave, he would accelerate his violence. Once I got as far as getting into my car, but he opened the car door before I could lock it. He bashed my head against the inside of the passenger door and dragged me screaming all the way down the block to our apartment. Not one out of the hundreds of neighbors who heard me called the police, or ever asked me if anything was wrong.

One month after this episode, he became violent one morning and began to choke me and then threw me to the floor. He then proceeded to literally walk on me. A

He would keep me up all night, often lecturing me endlessly and if I got sleepy he would attack me, often times choking me.

light bulb went off in my head that he was actually walking on me like I was a rug. I thought: he's financially, psychologically, emotionally and now physically walking all over me. This was the final straw. I knew at that moment that I was going to leave him for good this time.

Part of the reason that I knew I could successfully leave was because a woman with whom I worked was very open about her experiences with her violent ex-husband. Part of me knew that if she could do it, then I could do it too. I got up off the floor and ran to the car. This time I had enough time to lock my car door before he got to the car. I quickly drove away. All I had with me were the clothes on my back, my purse and the car. I stayed in an abused women's shelter the first night and contacted work the next day.

The response I received from my office was one of incredible support. I knew that my co-worker would understand my situation, but I wasn't prepared for the generosity of my supervisor. They both met me for lunch and my boss took me to her house and gave me an adequate assortment of clothes to wear and told me to take off as much time as I needed.

I returned to work the following week and found numerous e-mail and voice mail messages from my ex-husband. I got a restraining order on him and was helped by the [company] security, who drove by my office around the time of my leaving to make sure I was safe. As time went by, I felt supported enough to tell my other co-workers, believing that the more people that knew my situation, the safer I was.

It was the combination of many people over time that helped me to leave. Each person's statement and action contributed to my ability to leave. I remember the first co-worker who asked me if my fat lip was caused by my ex-husband. He may have felt that it didn't do any good, or that he was wrong to ask. But by asking that question, it planted a seed in my mind that what was happening to me wasn't right.

I know it's frustrating to see people stay or go back to abusive relationships. But there are many factors involved with staying and in returning. The biggest factor for me was fear for my life. I returned once because I still loved him — I loved the man that was my friend, who would go hiking with me, who would cook me dinner and comfort me when I was tired or sick. I loved the man who would play me music on his guitar, who would read me poetry and who would tenderly tell me he loved me. I wanted to believe that man existed. But when his promises proved to be lies again and again, I was supported enough by other people in my life to see this and to leave.

I want to stress how terribly important the role was that my co-workers played. True, I got support from the counselors at the abused women's shelter, but part of me felt they gave me the support because it was their job, unlike my co-workers, who did it

The response I received from my office was one of incredible support.

because they knew and cared for me. It wasn't because it was their job. I don't mean to say that the counselors weren't effective, they were. But it had even more impact on me when other people in my life gave me the same messages, that there was no excuse for my ex-husband's behavior, that not being happy at school, nor our financial situation, nothing gave him cause to hit me.

ENDNOTES

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Creating a Supportive Environment

Authors:

Elizabeth Bernstein,

Elizabeth Bernstein

Communications and Donna

Norton, Esq., Family Violence

Prevention Fund



This chapter contains the following information:

■ Policy and Program Recommendations	16
■ Useful Materials:	
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■ Summary, Follow-Up Questions	23
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Creating a Supportive Environment

Recommended Model Policy

We are committed to creating a supportive workplace environment in which employees feel comfortable discussing domestic violence and seeking assistance for domestic violence concerns. Management is encouraged to maintain a non-judgmental and supportive environment for the employee.

The workplace must send a clear and consistent message to all employees that the employer will respond to employees who are victims of domestic violence in non-judgmental and supportive ways. Sometimes workers fear negative repercussions from disclosing their abuse — judgment by co-workers and supervisors, retaliation when it comes time for promotions, being told to handle it “on their own time.”

Supportive policies and programs are critical in addressing domestic violence as it affects the workplace. However, services and benefits to employees are only effective if employees know they exist and that it is safe for them to come forward and disclose their domestic violence situation.

One way to create a safe and supportive environment is to display posters with anti-domestic violence messages. Other materials are available on the order form at the end of this book, including pens, mugs, banners and other materials designed for the workplace. Training and educational seminars (“Brown Bags”) on the issue and newsletter articles promoting in-house services and benefits also raise awareness. “Safety Cards,” also available for ordering, are wallet-sized cards that list important steps an employee can take to stay safe when she is living with domestic abuse, with local resources she can turn to for help. They can be left discreetly in restrooms and employee lounges where employees can take them privately.

The following pages contain sample educational materials that you may use as models, or reproduce. For example, these materials include a brochure that can be handed out at a seminar, made available through the Employee Assistance or other counseling program, or distributed via inter-office mail. There is also a sample newsletter article that can be tailored for your in-house publication to raise awareness about the issue and services available.

It is important to remember that if your employees speak languages other than English, materials should be available in appropriate languages. You should also include materials that address domestic violence in same-sex relationships.

“Right before I separated, there was a domestic violence workshop. I got six of my friends to take it with me. And it was incredible, the difference. They stopped saying the wrong things, they showed the support that I needed. That’s why I feel education is so important.”

— a survivor

See Appendix
for Order Form

Sample Newsletter Article

Domestic Violence Is a Workplace Issue

The violence began within the first week of Karen’s marriage, when her husband pressed his hands against her mouth and nose, attempting to smother her. After this incident, he became violent almost nightly, often for no apparent reason. He controlled his violence, directing it to hidden areas of her body so the injuries would not be visible to co-workers and friends.

Karen was lucky. She got out of her dangerous marriage, with the help and support of friends, family, and her co-workers and supervisors. Her job gave her time off from work while she was in a shelter. When she came back to work, her company security staff kept a photograph of her husband on hand in case he violated a restraining order and came to her workplace. They also were present in the parking lot when she walked to her car at the end of the day. “When I finally left him,” Karen says, “the response I received from my office was one of incredible support. I want to stress how terribly important the role that my co-workers played. It had a great impact on me.”

Many battered women are working women. Nearly four million women are battered by their husbands or boyfriends every year. There’s no excuse for domestic violence. It’s not a private, family affair — it’s a crime, and it affects the lives of our employees and our community.

If you are in an abusive relationship, talk to your EAP counselor for confidential advice. Your supervisor may be able to help you make adjustments if you feel it is affecting your work. There are also local resources staffed with people who want to help you. Call 1-800-799-SAFE for help and referrals to people nearby who can help keep you safe.

For more information about helping to stop domestic violence in the community and workplace, call 1-800-END-ABUSE.

Sample Union
Newsletter
article appears
in Chapter 8
- What Unions
Can Do

1

Sample Email Script

One in three Americans has witnessed an incident of domestic violence, and almost four million women are physically abused by their husbands or boyfriends every year. The emotional and physical toll of domestic violence on our employees and our community is tremendous, and we at [company/organization] can make a difference.

If you are living with domestic violence, [company/organization] has resources that can help. Contact your EAP representative, HR representative, or supervisor for details.

There are also resources in the community staffed with people who want to help you. Call 1-800-799-SAFE for referrals to people nearby who can help keep you safe.

For more information about talking to people about domestic violence, or speaking out in the community and workplace, call 1-800-END-ABUSE.

Brochure - Business Setting

The following two pages consist of a three panel brochure that you may copy. A sample union brochure is also available in chapter 8 - What Unions Can Do.



BROCHURE REDUCED 85%

1 *Creating a Supportive Environment*

BROCHURE REDUCED 85%

Training

Recommended Model Policy: Training

All internal or external staff providing employee services will participate in domestic violence training in order to best meet the need of employees who are victims of domestic violence.

Training should be provided to employees in two areas:

Training to managers and appropriate employees on administering workplace policies around domestic violence; and,

Education and awareness to all employees about domestic violence, how it affects the workplace, and how to plan for safety.

Training on new and existing policies relating to domestic violence can be easily incorporated into existing new employee orientations, manager trainings, and continuing education programs. Organizations that have experience with cultural diversity and sexual harassment training can apply a similar approach to domestic violence sensitivity training, identifying harmful attitudes and beliefs and encouraging new more helpful responses.

One way to start to reach out to employees who are dealing with domestic violence is by participating in *Work to End Domestic Violence Day* in October, Domestic Violence Awareness Month. Last year, more than 100 major businesses and unions across the country distributed information, hosted brown bag seminars, donated to local shelters, and more, all aimed at stopping domestic violence. Created by the National Workplace Resource Center on Domestic Violence at the Family Violence Prevention Fund, WTEDV Day participants receive an organizer's kit, which includes everything an employer or union needs to be a part of this important day. 1997's Kit included:

- ◆ sample newsletter articles, email scripts and paycheck insert copy
- ◆ tips on talking to someone you think may be abused
- ◆ a reproducible brochure on developing a personal and workplace safety plan
- ◆ special tips for supervisors
- ◆ a comprehensive list of national resources, a company policy checklist, and more.

For additional ideas on training employees and members about domestic violence, see the Resource section in the appendix under "Training" for books and programs tailored for the workplace. Also, call the National Domestic Violence Hotline at 1-800-799-SAFE for referrals to programs near you that may be able to provide speakers or information for in-service trainings.

**See Appendix
for Order Form**



**Four million women are physically abused by
their husbands or boyfriends every year.**

It's time to reach out to help.

POSTER REDUCED 65%

POSTER REDUCED 65%

Work to End Domestic Violence Today



**Call 1-800-799-SAFE for help and referrals to a domestic violence program near you.
Call 1-800-END-ABUSE for information about how you can help stop
domestic violence in your community.**

Chapter Summary**Notes**

Policies and programs that support employees who are dealing with domestic violence are key to a thriving, efficient and productive workforce. These policies and programs are successful, however, only if employees know they exist and feel safe coming forward and using them.

Therefore, creating a safe and supportive environment for employees who are victims of domestic violence is a key first step in implementing any program. The newsletter articles, seminars and other materials described in this chapter can help. Additional materials can be ordered on the form at the back of this book.

Follow-up Questions

- Does our organization create a safe and supportive environment for victims of domestic violence to come forward?
- How do employees learn about our policies, programs and services?
- If our employees speak more than one language, are materials and training available in more than just English?
- Have we ever publicized the programs we do offer in our organization's newsletter or other publication?
- Is there a public area where we could display posters with anti-domestic violence messages?
- Do we offer training on issues related to domestic violence?
- What other means do we have to let employees know it is safe to tap into workplace support services on domestic violence issues? Email? Staff meetings? What else?

Liz Claiborne, Inc.¹

Liz Claiborne, Inc., offers flexible hours, short-term paid leave and extended leave without pay for employees facing domestic violence.

Internal Campaign:

To increase awareness of employees about domestic violence, the company disseminates brochures and memoranda on domestic violence and how women and men can get involved. Claiborne also promotes the National Domestic Violence Hotline number and the Employee Assistance Program through paycheck inserts, posters displayed in employee restrooms and breakrooms, articles in company newsletters, and email messages throughout the year. The employee handbook also contains a section on domestic violence which states that the company will arrange for flexible hours, short-term paid leaves of absence, and extended leaves without pay with the guarantee in most cases of a position upon return for employees victimized by domestic violence.

Employees threatened by domestic violence are also offered more secure parking spaces, escorts to cars or other points of transportation, assistance with the legal process, and other security measures. Claiborne has also worked with a local domestic violence agency to conduct training on domestic violence for human resources, health services, and security departments to enhance their ability to be responsive to employees threatened by domestic violence.

Public Campaign:

In 1991, Liz Claiborne, Inc. began its WOMEN'S WORK campaign, a collaborative effort with public agencies to increase awareness of domestic violence. The program has included multi-media public service campaigns in San Francisco, Miami, and Boston. Billboards, radio announcements, posters, T-shirts, mugs and brochures are some of the vehicles that have been used to promote heightened awareness. Some of the proceeds from sales of items, such as T-shirts and mugs, are donated to domestic violence programs

Since 1994, in recognition of Domestic Violence Awareness Month, Claiborne has held Charity Shopping days at its wholly owned stores, donating 10 percent of each store's sales to local domestic violence agency partners.

Claiborne has also conducted surveys to bring greater awareness to the issue. In the fall of 1994, they released findings from a telephone survey of 100 senior executives in Fortune 1000 companies, performed by Roper Starch Worldwide. Among the findings were that two-thirds of respondents felt that a company's financial performance

would benefit from addressing the issues.

In May of 1995, Claiborne released *Domestic Violence: Views on Campus*, a national survey of 300 college students examining their awareness of and attitudes toward domestic violence. Among the findings were that 75 percent of respondents consider domestic violence a major societal problem, and most (89%) disagree that it is solely a family matter. Many of the students (59%) know a friend, relative or other close person who has been affected by domestic violence.

Notes

ENDNOTES

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For Managers: Supervising an Employee Who Is a Victim of Domestic Violence



Authors:

*Elizabeth Bernstein, EBC,
Stephen T. Moskey, Ph.D.,
Oakland Police Department,
Donna Norton, Esq., Family
Violence Prevention Fund,
Beverly Younger Urban, Delphi
Consulting Services*

This chapter contains the following information:

- Responding to an Employee Who May Be a Victim of Domestic Violence 28
- Guidelines for Discussing Performance 29
- When an Employee Discloses Her Abuse 30
- Working with a Victim on the Job 31
- Guidelines for Supervising Victims of Domestic Violence . 32
- Special Concerns of Immigrant Employees 32
- Why Victims Stay and Why They Return to Batterers ... 34
- Applying Absence and Leave Policies 34
- How to Talk to an Employee Who Is a Perpetrator of Abuse 37
- Summary, Follow-up Questions 39
- Case Study: Bell Atlantic Mobile 40

See Chapter 1
for information
on creating
a supportive
environment

Supervisors are the “front line” of response to employees. Their actions represent the organization’s commitment to providing a safe and supportive workplace for employees who are victims of domestic violence. Union representatives or stewards are responsible for demonstrating the union’s commitment to assist their members. Training on an organization or union’s policies and procedures regarding domestic violence is crucial, in order for managers and stewards to help retain employees and reduce liability and risk of workplace violence. Awareness training should educate everyone in the organization about domestic violence and increase the workplace’s responsiveness to victims, by offering concrete suggestions on effective, balanced and supportive responses.

Responding to an Employee Who May Be a Victim of Domestic Violence

Recommended Model Policy

We encourage employees to let someone know about the abuse in their lives. If an employee discloses to a supervisor or other member of management, his or her disclosure will be kept confidential to the fullest extent permitted by law and the employee will be referred to appropriate organizational resources. Any discussions about performance problems possibly related to domestic violence need to be balanced and supportive, and consider the employee’s right to privacy.

The first step in creating a supportive environment is to make sure that supervisors can demonstrate to employees that the workplace is a safe place to talk about domestic violence and to request help with work related problems. “Victim-blaming” (attributing the cause for the abuse to the victim) or demands for change (such as telling the employee to leave the batterer immediately) are not supportive or effective responses to domestic violence situations and may even unintentionally harm the victim. Supervisory and union training programs on domestic violence should provide tools on effective responses and sensitize those who are in positions of authority or responsibility (see chapter one for information on training). Organizations that have experience with cultural diversity and sexual harassment training can apply a similar approach to domestic violence sensitivity training, identifying harmful attitudes and beliefs and encouraging new, more helpful responses.

“Once they see you having a black eye, there is actually no support. It’s even worse, because they worry Oh my God, we’re going to have to find somebody else, probably. Things are not going [to get done] they way we scheduled [them]. I was doing my job. They were getting very uncomfortable and I was getting no support at all. And that’s the worst part.”

— a survivor

How Do You Know Someone May Be Abused?

Be alert to possible signs of domestic violence: changes in behavior and work performance, lack of concentration, increased or unexplained absences, placing or receiving harassing phone calls, bruises or injuries that are unexplained or come with explanations that just don't add up. Or, the supervisor may learn of the abuse because the employee discloses it, seeking help.

Supervisors and union representatives are often among the first people in the workplace to become aware that an employee may be a victim of domestic violence. If an employee chooses to disclose their situation, the next step is to make referrals to either internal sources of assistance or external resources, such as a community domestic violence program.

Demanding inquiries about possible abuse may be perceived as a threatening intrusion into an employee's personal life. Talking about domestic violence is an emotionally charged event for both the person being abused and the confidante, and needs to be handled with sensitivity. Steps can be taken for gently encouraging the employee to disclose without forcing the disclosure. The following steps are suggestions for bringing up the possible abuse:

- 1 Let the employee know what you have observed
"I noticed the bruises you had last week and you look upset and worried today."
- 2 Express concern that the employee might be abused
"I thought it was possible that you are being hurt by someone and I am concerned about you."
- 3 Make a statement of support
"No one deserves to be hit by someone else."
- 4 If the employee still chooses to not disclose, no further questions or speculations should be made. A referral for assistance should be given at the end of the conversation.

Supervisors and stewards should address performance-related issues, regardless of their cause, and in doing so can make appropriate referral to services that may assist the victim.

Guidelines for Discussing Performance

If you think the employee may be a victim of domestic violence but the employee has not brought it up, address both the performance problem and your concern about her personal problem.

"At my job, I kept getting phone calls at work. One VP pulled me aside one day and said, "I want to talk to you. Are you safe?" And I said "No." And she goes, "Can you get a restraining order?" And I said, "Well, let me find out how much it costs." And she goes, "I'll pay for it if you let me know how much it is." And if she hadn't done that, I wouldn't have gotten the restraining order. She's the only one that said something, because everybody kept hearing my phone calls throughout the office. And she just knew this guy was going to end up doing something."

—a survivor

Speak to the employee about the performance problems you feel may be related to domestic violence, following this process:

- 1 Find a private space to talk to her
- 2 Clearly identify the performance problems you've seen
- 3 Tell her you understand that sometimes "personal issues" can interfere with good performance
- 4 If there are clear signs of abuse, gently encourage her to discuss what may be upsetting her.
- 5 Whether or not she discloses the abuse, offer referrals or information on how to get help.
- 6 Suggest ways that good performance can be achieved. Be clear about the performance review process and what the consequences are.

If the employee does tell you that she is a domestic violence victim, acknowledge that domestic violence is a difficult situation to deal with, refer the employee to the EAP, to other relevant employee services, and to outside services (shelters, police, support groups) to help her deal with this issue. Let her know you can work together on performance issues in the future.

Remember: A supervisor's inquiry into performance problems that may be related to domestic violence needs to be sensitive, empathetic, and with all due regard to an employee's right to privacy.

When an Employee Discloses Her Abuse

When an employee discloses her abuse, the supervisor or union representative should communicate four important messages to the employee or member:

- 1 the supervisor is concerned for and supports the employee
- 2 the information she has chosen to share will be kept in the strictest of confidence
- 3 the employee should seek help for domestic violence, and appropriate referrals (name and phone number of organizations/resources) should be given
- 4 the supervisor is available to help with work issues or with access to other resources in the company, if that is what the employee wishes.



The scenario that follows assumes that the supervisor, Lisa, followed the procedure described on the previous page (Guidelines for Discussing Performance with an Employee who May be a Victim), and the employee, Judy, chose to reveal her status as a victim of domestic violence.

Lisa: ... So, I just wanted you to know that if there is anything going on in your life that might be affecting your performance, you can let me know. If there is a personal problem affecting your performance, it would help to talk to a counselor at the Employee Assistance Program (EAP) or an outside counselor to get advice on how to deal with it.

Judy: Well, there is something happening and it's hard to talk about. My husband has a bad temper and lately he's been getting violent.

Lisa: I'm glad that you trust me enough to share that personal information with me. Nobody deserves to be hit or threatened.

I want to assure you that I am going to keep what you've just told me confidential, and I will give you the time you need to go to the EAP or other resources for help. The EAP counselor can talk with you, and describe what the company can do to help you and help you to make a safety plan. Here is the name and phone number of the person you can call. Or, if you wish, I can make the call for you.

I want you to know that I will help you with any work needs you may have and I want do everything I can to be sure you get help to deal with the abuse and to be safe.

Working with the Victim on the Job

Recommended Model Policy

We will make every effort to respond to the needs of employees who are victims of domestic violence as business or organizational needs allow. This may include temporary modifications to job assignments, schedules or shifts, making it possible for employees to focus on both their personal safety and on work responsibilities.

Employers who view their employees as valuable human resources have come to believe that time or money spent on simple accommodations for employees' personal needs are a sound investment, defraying the costs of having to replace an employee in the future. Employees coping with domestic violence have urgent personal and work needs that can be addressed through flexible or supportive policies, requiring only a moderate investment, if any, from the employer.

If an employee volunteers information about a domestic violence situation, the supervisor or union representative should offer to work together with the employee to make any work adjustment or recommendations for resolving performance problems. The guidelines below will assist in this process.¹

Guidelines for Supervising Victims of Domestic Violence

- ◆ A stable work environment with clear and consistent performance expectations will help an employee achieve her best possible performance.
- ◆ Temporary changes in job responsibilities, schedule, or even location, if permitted by the organization's needs, could be an appropriate accommodation for some victims and make it possible for them to focus on essential job functions.
- ◆ Encourage the employee to let you know in advance if she can't meet a deadline or can't handle a specific job function (e.g., answering the telephone, when there is a possibility the abuser will call at work). Temporarily adjusting expectations will allow you to respond in a supportive way to the potential performance problem.

Special Concerns of Immigrant Employees

Many workplaces or unions have large populations of immigrant workers—employees or members for whom English may not be a primary language. If an immigrant employee discloses she is a victim of abuse and seeks a manager's help, there are special needs and concerns to consider. Local civil rights and immigrants' rights groups in your community may be able to help you meet the needs of immigrant employees seeking help.

Prepare for the conversation: When you know that you want to talk to an employee you think may be abused who is from a particular community, gather information and

knowledge about community groups — both domestic violence and culture-specific— that might work with the two of you to increase the employee’s safety.

Language: Ask her what language she most comfortably speaks. If English is not her first language, ask whether she would like an interpreter. If she says yes, provide one. Do not use a partner, children, or any other person accompanying her as an interpreter.

Assumptions: Do not make assumptions about her economic, educational or immigration status based on her name, appearance or accent.

Special Fears: She may be afraid to call the police, because in her home country, the police may serve as an arm of the military, and may have persecuted people like herself. Or the batterer may have threatened to call the police against her, telling her that she would be arrested for causing trouble. She may fear deportation, or that her batterer will be deported. (Let her know that her seeking help will probably not result in her batterer’s deportation, even if he is undocumented, and the crime is very serious.)

Legal Status: Bear in mind that her legal status may be affected by disclosure of abuse. Her coming to and staying in the United States might be contingent on sponsorship by the batterer. Leaving the relationship might mean leaving the only community she knows in this country. Inform her of her rights. If she has any questions about her immigration status, refer her to an immigration lawyer.

Other Safety Options: Make sure that you discuss all safety options with her, and do not focus solely on the police. Help her make a safety plan (described in chapter 4.)

Keeping It Simple: Use simple language and a broad definition of domestic violence. “Do family members fight with you?” “Has someone in the family called you names?” “Are you afraid of someone in the family?”

Focus on the Family: Frame the question away from a focus on personal abuse and ask about the situation as it affects the whole family — especially the safety of her children. Across cultures, many women who have difficulty mobilizing on their own behalf will do so readily for their children.

Assess her support system: “Who can you trust to help you in this situation?” “What is it like in your community (religion, culture or family) when someone talks about these issues to an outsider?” “Do people in your community talk about domestic violence?”

Refer to Community Resources: Let her know about resources in the community that can help her in her own language and culture.

Why Victims Stay and Why They Return to Batterers²

Sometimes supervisors become frustrated when an employee returns to her batterer or stays in an abusive relationship. It is important to understand that there are many reasons for these decisions:

- ◆ Most often she fears for her life. Her partner threatens to hurt or kill her children if she tries to leave.
- ◆ She cannot afford to move out and support herself and her children.
- ◆ She feels responsible for keeping the family together; she wants the children to grow up with a father.
- ◆ She wants the violence to stop, not the relationship.
- ◆ She fears that her friends won't believe and support her.
- ◆ He makes her feel guilty and tells her the abuse is her fault.
- ◆ He may threaten to kill himself.
- ◆ With damage to her self-esteem, she doesn't think that she can make it on her own.
- ◆ He promises never to beat her again and begs her to stay.
- ◆ Her fear and shame is reinforced by a lack of responsiveness and bias in the judicial system and law enforcement officials.

When people ask, “Why do women stay in violent situations?” they are placing blame on the victim. As a society, we must confront this attitude and place responsibility where it belongs — with the offenders. We must also ask ourselves what we can do to help women in need.

Applying Attendance Policies

Recommended Model Policy

We acknowledge that an employee who is a victim of domestic violence may need to be absent from work to access services and to focus on her personal safety. Approval of absences outside normal procedures should be based on consultation with the employee, the supervisor or manager, Human Resources, the Employee Assistance Program or an outside counselor and union representatives. The



2

Adapting Absence and Leave Policies for Victims of Domestic Violence

Sick Leave: A victim of domestic violence may suffer many forms of physical and emotional abuse that can result in serious conditions requiring medical attention. A victim should not be denied appropriate sick leave for any clinical condition simply because it is caused by domestic violence. Injuries or illnesses related to domestic violence may fall under the Family Medical Leave Act and the Americans with Disabilities Act (see chapter 9).

Short- and Long-Term Disability: The consequences of severe physical abuse may result in the individual's need for a longer period of recuperation. Physical therapy and rehabilitation, treatment of post-traumatic stress disorder, and reconstructive facial surgery are examples of the types of treatment that an abused individual may need.

Family Medical Leave: Domestic violence occurs between intimate partners, but the couple's children or other family members in the household may also fall victim to the perpetrator's abuse. An employee may request family medical leave to care for a family member or other member of the household who has been hurt by the perpetrator.

Personal Days or Time-Off (paid and unpaid): Many employers have policies that permit employees to take brief paid or unpaid time for personal reasons. Such "personal days" should be available to victims of domestic violence who need time to move or make other arrangements to protect themselves and their dependents from the abuser. "Flex-time" could also be used to permit a victim to attend to personal matters outside of the workplace, while still working their regularly scheduled number of hours.

Personal Leave (unpaid leave of absence): Sometimes, an employee may need to leave the area to escape the abuser when the risk of death or physical assault is imminent. If the employer has a personal leave policy that permits an unpaid leave of absence under special circumstances, approving the leave could be a lifesaving accommodation.

See
Chapter 9 for
Applicable
Laws

"I was threatened at work and went to the police to make a report and I got in trouble for it. [The supervisors] said I had abused the leave system by being at the police station for about an hour."

- a survivor

How to Talk to an Employee Who Is a Perpetrator of Abuse

With four million women battered every year in this country, it is inevitable that some employees in any medium- or large-sized company will be batterers. This applies as well in the union setting. While this manual focuses in large part on assisting victims and in taking a public stand against domestic violence, it is important, too, to address what to do when an employee is a perpetrator of domestic violence. Chapter Nine of this manual addresses the legal issues that may arise when an employee is a batterer; this chapter discusses what supervisors can do to help challenge violent behavior and support abusive employees to change.

The batterer needs to be challenged to recognize his or her³ own behavior, and needs support and assistance in addressing it. Abusers tend to deny or minimize their behavior, with excuses such as “It only happened once,” “She bruises easily,” “It was just a little argument,” “I am under a lot of pressure,” or “She knows how to push my buttons.” Holding an employee accountable for his actions is the first step to ending the violence.

Below are some suggestions for supervisors when talking to an employee who has been identified as a perpetrator of domestic violence⁴.

DO:

- ◆ Discuss the problem with him, if the violence has been disclosed by the employee or if the employee commits an act of domestic violence at work, at an employer-sponsored event, or commits an act against another employee. If it has not been disclosed but the supervisor suspects it may be a problem, the supervisor may bring up any job performance problems that may be related to the abuse.
- ◆ Maintain the confidentiality of the employee.
- ◆ Explain how domestic violence affects work performance. For example, making frequent calls to threaten or harass someone can have an impact on productivity.
- ◆ Let him know that you care about him, but you will not condone his violent behavior.
- ◆ Refer the employee to batterer’s treatment counseling. If the employee is subject to discipline because of the violence, consider decreasing or suspending the discipline if the employee agrees to attend batterer’s treatment counseling. (see Chapter 3 page 46 for guidelines on assessing whether a treatment program is appropriate for a referral.)

See page 46 for a sample policy on domestic violence committed by an employee.

See Page 46 for Guidelines on Batters treatment Programs

Chapter Summary

Supervisors face one of the most challenging aspects of domestic violence as a workplace issue: what to say to an employee who the supervisor believes is being abused or is an abuser, and how to say it in a way that is respectful of his or her privacy. Policies need to be in place that outline how supervisors are to respond to employees facing domestic violence. Confidentiality must be maintained, and the employee must not be punished for coming forward.

In order to support their employees and adhere to company/organization policies, supervisors and union stewards must be trained on how to properly respond to employees who come to them with issues of domestic violence, or who have performance problems due to it. This includes how to support the employee and refer her to in-house programs and services and community domestic violence programs, as well as how to apply absence and leave policies in these situations.

Follow-up Questions

- What do we tell our managers to say and do when domestic violence is identified in one of our employees?
- Have we ever trained our managers on how to handle this situation?
- Do we know of any situation that has arisen when an employee came forward with a domestic violence problem to her supervisor? What happened? What could have been handled differently?
- Do our policies and procedures allow for temporary modifications of job assignments or schedules so that employees can take steps to increase their safety?
- How can we let employees know they can turn to their supervisors if they have a problem with domestic violence that may be affecting their work?
- How do our attendance and leave policies accommodate an employee's need to address personal safety issues?
- Do employees have any concerns about coming forward and talking to a manager about domestic violence?
- Is it our policy to keep information about domestic violence confidential?

“[After getting help from the supervisor], I worked so hard. I think I gave back as much as I could to [my supervisor]. ...It gave me this sense of commitment to the work because they were so there for me through the rough stuff. So I think, maybe if they were educated about that and the work performance, and how much it improves if you just stick it out, what a loyal employee you get in the end.”

— a survivor

Case Study: **Bell Atlantic Mobile**

With the assistance of an empathetic manager, Susan is once again productive at work.

Susan wore dark glasses and makeup to conceal her bruises. She often wore long sleeves and clothing that covered the black and blue marks on her body. David, Susan's manager, observed these things and noticed she was frequently reserved and uncommunicative and seemed to have trouble concentrating. She began calling in sick a lot and coming in late. Her job performance was suffering and David decided to take action.

He called the Employee Assistance Program (EAP) and asked for a management consultation. He learned that Susan's physical and behavioral changes could be strong indicators of domestic violence. David encouraged Susan to contact the EAP. He explained to her that she didn't have to contact the EAP, but he thought it would be beneficial, since her job performance was not up to par. He referred her to the EAP and assured her of the confidentiality of the program.

Susan didn't accept the referral at first. Finally, with much hesitation and fear, she called the EAP. The results of this call led Susan to a meeting with a professional health counselor and numerous other resources that helped change her life. With the assistance of an empathetic manager, Susan is once again productive at work. She attends counseling and volunteers her time to assist others who are experiencing domestic abuse trauma.

END NOTES

- 1 Adapted from Moskey, Stephen, *Domestic Violence Policy Checklists for the Workplace*, Maine: Kettle Cove Press, 1996: 8-9.
- 2 Adapted from a brochure created by The Body Shop called "*Blow the Whistle on Violence against Women.*" It is part of their "Blow the Whistle" campaign, a comprehensive national effort to educate their employees, customers and the general public about violence against women and how to stop it.
- 3 Although the vast majority of domestic violence perpetrators are male, women can also commit domestic abuse.
- 4 Adapted from materials developed by the Educator/Advocate Program at Everywoman's Center, Amherst, MA.

Core Human Resource Policies



Authors:

*Stephen T. Moskey, Ph.D.,
Oakland Police Department,
Donna Norton, Esq., Family
Violence Prevention Fund, and
Beverly Younger Urban, Delphi
Consulting Services*

Consultants:

*Carol Carlson, Ph.D., Wells
Fargo Bank, Stephanie
Harkness, Wells Fargo Bank,
Robin Hassler, Esq., Governor's
Task Force on Domestic and
Sexual Violence, Nancy E.
Isaac, Sc.D., Northeastern
University School of Law,
Rod Libbey, Bank of America,
Catherine O'Reilly Collette,
AFSCME.*

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- When You Learn About an Employee's Problems
at the Point of Termination **44**
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See Appendix page 159 for a complete Model Policy

Responding to employees with domestic violence concerns is a difficult management task. The good intention of management will not in itself guarantee that a victim of domestic violence will be able to access help, that the organization will be able to balance the employee’s personal needs with its work needs, or that the safety of the workplace will be protected. A strong human resource response is a vital part of a coordinated workplace effort that can assist employees with domestic abuse problems while maintaining the goals of the organization.

The following policies are intended to be flexible. As each situation is unique, policies should be interpreted and applied with care and specificity.

Core Human Resource Issues and Domestic Violence

Recommended Model Policy: Fairness and Equity for Employees Who Are Victims of Domestic Violence

We apply all human resource policies fairly and consistently to employees who are victims of domestic violence and ensure that they are treated no differently than other employees. We address the needs of employees with domestic violence concerns that arise in the workplace whenever possible, as part of our contribution to combating domestic violence as a societal issue.

Employees affected by domestic violence do not need extraordinarily complicated human resource policies and procedures. They need fair treatment, access to benefits and services, and a workplace that is sensitive to domestic violence concerns. Creating a workplace that is receptive to the needs of victims requires an organizational commitment backed by compassionate and effective policy. (See the appendix for one example of a model policy). The key to supportive actions is policy that assures that domestic violence victims will be treated fairly and consistently.

Recruiting and Hiring

Recommended Model Policy: Recruiting and Hiring

Any information received about a job applicant’s past or current exposure to domestic violence will not be used to discriminate against a victim of domestic violence in recruiting or hiring decisions.

The key to supportive actions is policy that assures that domestic violence victims will be treated fairly and consistently.

In the event that a recruiter or hiring staffperson learns that an applicant is a victim of domestic violence, information about a job applicant's perceived or actual status as a victim of domestic violence should not be utilized when making hiring decisions.

Performance Planning and Evaluation

Recommended Model Policy: Performance Planning and Evaluation

Performance planning and evaluation systems are applied fairly and equitably to all employees who are victims of domestic violence. The impact of domestic violence on an employee's performance will be taken into account during performance evaluations, and special consideration of the employee's needs for an opportunity to access assistance for injuries, disabilities, and health impairments will be made.

Performance planning and evaluation can motivate employees toward optimal performance and help achieve organizational objectives. Although evaluation methods must focus on organizational objectives and on "getting the job done," good performance evaluation techniques can be flexible and acknowledge a worker's personal circumstances.

Unfortunately, employees who are victims of domestic violence often report that supervisors do not take into account the effect of the abuse on performance in the same way they might take into account physical illness or other personal concerns, such as a death or illness in the family. Supervisors may evaluate employees based on their judgments about domestic violence, believing that the abuse is a result of the employee's weakness rather than due to the batterer's abuse.

In some cases, a worker's injuries, disabilities, and health impairments related to episodes of domestic violence may be serious enough to qualify the employee for accommodation under the Americans with Disabilities Act (ADA), or personal leave under the Family and Medical Leave Act (FMLA) (See chapter nine for an overview of other federal and state laws that may apply to a victim of domestic violence.) Like ADA or FMLA documentation, written documentation regarding an employee's domestic violence situation should not be included in a permanent personnel record. Supervisory training can alert management to these issues and to the unique needs of employees with domestic violence problems. Training can also increase their awareness of the impact of domestic violence on performance, and can incorporate suggestions for special

"I was in school as well as working full time. And even though I would tell him: I want this much time in order to study, he made sure I didn't have that. First school went down the drain, then I tried for a little bit easier job. Somehow, it's up to me to balance this. I let work slide to my own detriment."

— a survivor

**See Chapter 9
for an overview
of federal and
state laws**

3

accommodations for employees who are victims (see chapter one for more information on training). Offering employees struggling with domestic violence the same type of understanding that is offered to other employees faced with seriously life-threatening or life-altering situations is fair and equitable treatment.

Promotion and Advancement

Recommended Model Policy: Promotion and Advancement

Our organization respects the fact that some employees who are victims of domestic violence may choose not to participate in or accept promotional or advancement opportunities that become available to them. Neither the fact that an employee is a victim of a domestic violence nor a refusal of a current promotion or advancement opportunity will be used to deny future opportunities at a later date.

In some situations, an employee who is being abused may have difficulty meeting the demands of an advancement training program or a promotional opportunity and may turn down such opportunities. It is important for that person to feel supported by her employer and be able to focus on performing well at her current job, while attempting to cope with the abuse. Yet, a victim of domestic violence should not be denied future opportunities because of her past inability to complete job advancement training or accept a promotion.

When You Learn about an Employee's Problems with Domestic Violence at the Point of Termination

Recommended Model Policy: Employees at the Point of Termination due to Domestic Violence

We will review the possibility of using a Second Chance Agreement when an employee, at the point of termination, reveals that she or he is currently a victim of domestic violence. A Second Chance Agreement will be a written document that includes the history of performance problems, what performance improvements are

“I was trying to get a promotion, ...but I basically was so frazzled...So yeah, because of my domestic violence I wasn't able to advance because I'd end up emotionally and physically ill.”

— a survivor

expected, and a time frame for these improvements to occur. The agreement will be subject to legal and human resources review before being implemented.

A difficult reality of domestic violence in the workplace is that some employees do not feel safe disclosing anything about the abuse to supervisors, shop stewards, or co-workers, even though their performance problems may be directly related to the abuse. Other victims may bring it up only after being told they are on final written warning and will be fired unless their performance improves. Although it seems illogical not to tell someone, there are many reasons why the victim keeps quiet about the abuse. Fear of retaliation from her abuser if he learns that she has told another person, or fear of rejection from co-workers, friends, and family are examples of common reasons for not talking about abuse.

Second Chance (sometimes called Last Chance) Agreements are performance contracts, used when an employee is at the point of termination, which specify what behaviors have to change and give a time period for addressing those performance problems. **The employer should not at any time demand that she leave the abuser as part of this agreement or demand that she provide personal details about the abuse in order to qualify for the second chance.** Referrals for assistance with the domestic violence should be given, along with the specific expectations for performance improvement. A reasonable amount of time should be allowed for the employee to access help and cope with the situation.

Many people who are victims of domestic violence do eventually leave the abusive situation, but often this takes time. Employers often ask themselves questions such as, “How long should I wait for her to seek help?” or “When do I decide that I cannot wait any longer for improved performance?” As every person’s situation and history is unique, there is not a standard or correct amount of time that should be given. However, employers should be aware that the effects of domestic violence can be severe and may take extended periods of time to fully address. Decisions about how much time to give the employee to resolve the problem must be based on fair human resource practice in accordance with the law and may be similar to the reasonable amounts of time given to employees coping with other difficult personal matters.

When a Perpetrator Is An Employee or Member

Special considerations arise when an employee or member is identified in some way as being a perpetrator of domestic violence, particularly if the victim is also an employee or member of the same organization. The answer to how security, the legal

The employer should not at any time demand that she leave the abuser as part of this agreement or demand that she provide personal details about the abuse in order to qualify for the second chance.

3

department, union and human resources (or those who serve those functions) should respond to such a situation is complex, and is governed by federal and state laws. Further, incidents which occur off the worksite are more complex with respect to employment actions, and should be treated differently from incidents which occur on the worksite.

See Chapter 2, page 37 for information on how to talk to a perpetrator

Acts of Domestic Violence Committed By an Employee On-Site or on Company Time

Recommended Model Policy: Discipline for Acts or Threats of Domestic Violence at Our Work Sites

We are committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on company premises, during working hours, or at a company-sponsored social event is a serious violation of our policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

An employer is justified in taking disciplinary or termination action against employees who perpetrate acts of domestic violence on-site or using company resources. The fact that such acts were “domestic” in nature is irrelevant: a workplace policy on violence and harassment should establish no acts of violence or harassment at the worksite will be tolerated or excused, including acts against an employee’s intimate partner. Employers should consider as part of a disciplinary action requiring the employee/perpetrator to attend a certified batterers treatment counseling program. Batterers treatment counseling should be attended weekly for a minimum of one year.

There may be a batterer’s treatment program in your community that is willing to help you tailor a program to help your employees. Call the National Domestic Violence Hotline at 1-800-799-SAFE to see if there are resources near you. In assessing whether a treatment program is appropriate as a referral, the following questions may be useful to ask¹:

Program goal: Does the program have a clear goal of ending the entire pattern of abusive and controlling behaviors?

Violence is likely to occur between married or dating co-workers with the same frequency that it occurs between married couples in the broader population. Thus, if a company has 10,000 employees and 500 of the female employees are involved in significant relationships with a co-worker, then 30% or 150 of the females in those relationships may be subject to physical abuse.

—“Women in the Workplace and Employee Assistance Programs”

Philosophy: Is the program design based on an understanding of domestic violence as a learned behavior rather than a pathology or mental disorder?

Role of the Perpetrator: Does the program clearly hold the perpetrator accountable for the violence, and not in any way collude with the perpetrator in blaming the victim?

Length of Treatment: Is the program at least one year long, with six months of weekly group sessions and the rest at least monthly face-to-face contact with the perpetrator?

Safety of Victim: Does the program have policies and procedures that ensure the victim's safety throughout the perpetrator's participation in the program? Procedures should include letting the victim know if the perpetrator leaves the program or does not regularly attend, and warnings about anticipated violence. Programs should not be required to provide the court with any information they may have gathered from a victim without her written permission.

Acts of Domestic Violence Committed By an Employee Off-Site

The issue of whether to discipline an employee arrested or convicted for an off-site incident of domestic violence is perhaps one of the most difficult ones that an employer or union will face in implementing a comprehensive organizational policy on domestic violence. Many factors come into play in determining an appropriate response to employees-as-perpetrators, including federal and state law, concern for the perpetrator's civil rights, and the employer's duty to protect the safety of its workplaces. Additionally, whether the employee was convicted of domestic violence, and whether a code of conduct exists which prohibits violent behavior by employees, will help determine an organization's appropriate course of action in such cases.

If there has been a *conviction* and the employer can show a connection between the criminal behavior and the *individual's job*, discipline up to and including termination may be permissible under federal and state law (e.g. a job which requires carrying a weapon). One expert on privacy in the workplace has described this as a process of correlating "the circumstances, the gravity of the offense, and the time elapsed since the conviction to the nature of the job."²

Chapter Summary

Clear human resources policies are at the core of a sound response to employees dealing with domestic violence. Fair practices are key, including non-discrimination against victims in recruiting, hiring and promoting, and sensitivity in performance evaluation.

When an employee perpetrates domestic violence, either against a co-worker or on company property or time, the employer should take disciplinary action. Policies should be in place to demonstrate that the perpetration of domestic violence will not be ignored nor excused.

Follow-up Questions

- How do our policies and programs ensure that victims of domestic violence are not discriminated against in recruiting and hiring?
- Have we ever had a case where recruiting, hiring, evaluating, or promoting practices came face to face with a domestic violence situation?
- What was the outcome? Was the outcome satisfactory? What could have been done differently? What policies or programs might have helped in those situations? Can we put those policies or programs into place now?
- How do we take into account the impact of domestic violence on an employee's performance during evaluations?
- How do our policies and procedures ensure that an employee's history of domestic violence will not affect her future opportunities for promotion?
- Do we have "Second Chance Agreements"?
- What are our policies and procedures when an employee is identified as a perpetrator of domestic violence?

Case Study: Polaroid Corporation³

Polaroid Corporation, a multinational firm which provides an array of instant photographic imaging products for both consumer markets and specialized professional audiences, has one of the most extensive and far-reaching responses to domestic violence of any business organization in the country. In 1984, Polaroid dealt with its first known case of domestic violence, and since that time, a concerted effort has evolved within the corporation to provide a comprehensive program of workplace violence guidelines, protocols, procedures and training to respond to the issue. Since 1994, management has been dedicated to the prevention of domestic violence as a workplace issue at Polaroid. The commitment to domestic violence awareness and education, prevention and response is corporate-wide: EAP, human resources, supervisors and managers, legal, medical, security, and the Ombudsperson (to handle conflict resolution and mediation) coordinate with each other in responding to individual cases of abuse. The company also responds to employees who are perpetrators of domestic violence, with in-house treatment, referral to batterer programs and dismissal from the workplace. Finally, the Polaroid Foundation is a regular supporter of domestic violence programs near its manufacturing facilities.

One of the most distinctive features of Polaroid's commitment to domestic violence are its guidelines for employees who are perpetrators of family violence in the workplace.

Employees as Perpetrators of Domestic Violence

Often, discussion around response to family violence focuses exclusively or almost exclusively on identification of and assistance to victims. Little mention is made of how (or whether) to identify batterers, or what to do if it becomes known that given individuals are being abusive.

Polaroid does not attempt to directly identify employees who are batterers. However, abusers may come to the company's attention in several ways. First, the company has had experiences where an abuser's performance was affected by frequent absences from the worksite — often in the context of his spending time intimidating his partner by checking up on or harassing her (in person or by phone). The EAP function within a worksite is designed to address performance problems and maintain a safe work environment related to personal issues. Thus, an abuser's supervisor may, in fact, contact the EAP in connection with performance problems, even those caused by an employee's status as a perpetrator of domestic abuse.

If the person being victimized by the employee is also a Polaroid employee, the

In 1984, Polaroid dealt with its first known case of domestic violence, and since that time, a concerted effort has evolved within the corporation to provide a comprehensive program of workplace violence guidelines, protocols, procedures and training to respond to the issue.

Notes

behavior is treated as an incidence of workplace violence. It also can and has happened that the batterers become involved in workplace violence with co-workers who are trying to discourage the abusive behavior (“Why don’t you just leave her alone?” — to which the abuser may respond with violence directed at the co-workers).

The EAP can and does receive calls from women being abused by their partners where the woman is not an employee of the company. In such instances, the company provides referrals to local shelters but maintains confidentiality. If the violence occurs on-site, the guidelines for workplace violence are enforced. The employee must seek assistance from the EAP and other suggested resources.

If family violence occurs between two co-workers, Polaroid will enforce a restraining order and will speak to the defendant named in the order to warn him or her about the potential fallout of violating the order on Polaroid premises. Attacking a co-worker (whether in the context of partner abuse or otherwise) is grounds for immediate dismissal.

Sometimes men who are seeking help from the EAP for some other issues (e.g., financial stress, substance abuse) will describe abusive acts they have perpetrated against partners. In these instances, the counselor will listen to the employee’s story with the understanding that the man himself may have been once victimized, for instance by childhood abuse or incest. While it is clear that many abusers would like to see themselves only as victims, and will attempt to excuse their violence by blaming their partners, Polaroid counselors understand that abusers may need to discuss childhood victimization.

Jim Hardeman, Polaroid’s manager of EAP and the primary thrust behind the company’s commitment to domestic violence, believes that battering is a learned and unacceptable behavior. He feels that many batterer treatment programs fail because abusers “entering the program see themselves as victims and it takes three to six months of intense treatment to break through the wall of denial and manipulation before the assaultive behavior can be dealt with in treatment. Long term treatment is recommended: a minimum of one year, and during that period the employee is on probation. The session appointments are monitored by the EAP staff but not the content of the sessions.”

Domestic violence continues to be a major societal problem because too few organizations and too few people are willing to take a stand against it. It is a form of violence and criminal behavior that is still largely sanctioned by a sizable segment of our population. Polaroid has correctly determined that there must be real consequences for perpetrating violence against a loved one, and the company has actualized this philosophy in its workplace guidelines on violence, harassment, and domestic violence.

Polaroid Employee Assistance Program

Polaroid Corporation
750 Main Street-2E
Cambridge, Massachusetts 02139

Polaroid

GUIDELINES FOR PROVIDING ASSISTANCE IN MANAGING FAMILY VIOLENCE SITUATIONS INVOLVING POLAROID CORPORATION EMPLOYEES

INTRODUCTION

In 1985, the United States Public Health Service and the Surgeon General brought national focus on violence as a leading public health problem in this country. This epidemic of violence has spread to the work place, and these incidents have received intense media scrutiny.

Statistics from the National Institute of Occupational Safety and Health (NIOSH) show that murder is the third leading cause of death in the work place and the first among female employees. Recent statistics distributed by the Massachusetts Coalition for Battered Women's Service Groups, Inc., also show that every eight days a women is murdered by her partner and these women are employees of businesses throughout the state. While most companies have experienced threats of violence at some level, and Polaroid is no exception, the Occupational Health and Safety Act (OSHA) obligates employers to provide a safe and healthful work place.

PURPOSE

For several years the company has demonstrated a corporate level concern for the plight of battered women and abused children through the involvement of the corporate EAP and the Polaroid Foundation. The company also has made every effort to become educated about the devastating effects of spousal abuse on the health of employees. We have come to believe that it makes good business sense to offer guidelines which help protect the health and safety of employees, thereby reducing abuse related costs and ensuring continued employee well being and productivity. As such, the following guidelines, based on existing Personnel Policies, are offered to employees, supervisors, managers, and Human Resource Administrators to assist employees in managing family violence situations.

WHEN AN ABSENCE IS NECESSARY

At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager and the local Human Resources Administrator.

REDUCED 85%

-2-

Employees, supervisors and managers are encouraged to first explore all corporate leave options:

TIME OFF OPTIONS - WITH PAY

- arranging flexible work hours so that the employee can handle legal matters, court appearances, housing and child care;
- consider authorized time and family emergency as paid time-off options, especially if requests are for relatively short periods. Absences should be limited to a maximum three-week period.

TIME OFF OPTIONS - UNPAID

- an option for unpaid time off without taking a formal unpaid leave of absence is three weeks of authorized time without pay. This can be taken in either a three-week block of time or spread out over several weeks (totaling 15 days);
- if an employee cannot establish a definite return to work date and requires more than three weeks of time off, a specific leave of absence may be considered.

REDUCED 85%

-3-

**RECOMMENDED PROCEDURES FOR SAFETY AND PROTECTION
IN FAMILY VIOLENCE SITUATIONS**

DEFINITION

Family violence is any act of physical aggression that causes physical harm or any statement that could be perceived as an intent to cause physical or emotional harm. Examples would include, but are not limited to, homicide, assault and battery, rape, or stalking. Statistics note that most incidents of family violence are attributed to males, but no one should ignore the fact that such abuse can also be attributed to females or occur in same sex relationships.

HOW TO RESPOND

Employee

- Notify your supervisor/manager of the situation and the possible need to be absent. Supervisors/managers can not assist until an employee self-discloses.
- Discuss options available to you with your supervisor and Human Resources Administrator. Involve your local Employee Assistance Program (EAP) Counselor, if necessary. The EAP counselor can assist the employee in developing a safety plan.
- Be clear about your plan to return to work.
- Make arrangements for receiving your pay check while you are absent.
- Submit a recent photo of the abuser to Corporate Security so that a possible identification can be made if the abuser appears at your Polaroid work site.
- Maintain communications with your Human Resources Administrator throughout your absence.

Supervisor/Manager

- Be aware of unusual absences and/or behavior of employees as job performance concerns.
- Be aware of signs of bruises to face, arms, etc. Remember, the employee must self disclose.
- Consult with your local EAP Counselor and/or Human Resources Administrator to discuss your concerns and how to approach the employee. The EAP counselor can formally contact the employee.
- Maintain confidentiality at all times.
- Honor all civil protection orders. (i.e. vacate, restraining or no-contact orders or judgements in effect) Contact the EAP counselor if there are concerns.
- Contact the local Corporate Security Office and make sure that the employee has provided a photo of the abuser and other pertinent security information.
- Be sensitive to the seriousness of the situation.

REDUCED 85%

Human Resources Administrator

- Be a resource to both the employee and supervisor/manager in handling the situation. Follow recommended procedures for absences and use appropriate community resources.
- Contact the local EAP Counselor immediately.
- Discuss a safety plan for the employee with the EAP Counselor.
- Maintain communications with the employee during his or her absence.
- Work with the supervisor/manager on pay and absence arrangements.

Employee Assistance Program Counselor

- Be a resource to the employee, the supervisor/manager and the Human Resource Administrator.
- Collaborate with the Human Resource Administrator in all situations.
- Be available during the employee's absence, including referrals to community family violence services.
- Develop a safety plan with the Human Resource Administrator. This safety plan should accompany the protection order once it is obtained.
- Maintain a liaison position between the local shelter staff and the corporation for the purpose of counseling needs.

ELEMENTS OF A SAFETY PLAN

- Review the travel route between the employee's home and work.
- Review safety of child care arrangements.
- Make sure that current civil protection orders have not expired and are in hand at all times.
- Determine if substance abuse is involved.
- Make sure that Security has a picture of the abuser.
- Have an emergency contact person if the employee cannot be reached.
- Consider if health care is a concern (i.e., diabetes, AIDS, cancer). Shelter staff requires this information.
- Make sure that an address/phone number of the victim is provided to the company contact person.
- Review the safety of the employee's parking arrangements.
- Review the employee's work schedule with the supervisor/manager (in case stalking is involved).

RESOURCES

Employees who need help in dealing with abusive relationships are encouraged to contact the Employee Assistance Program (EAP) office at their work location or the corporate EAP office at (617) 386-8288.

For Massachusetts employees, the following community resources are available for your assistance:

- | | |
|--|----------------|
| Massachusetts Coalition Of Battered Women Service Groups, Inc. | (617) 248-0922 |
| Massachusetts Parental Stress Line | 1-800-632-8188 |

CLOSING STATEMENT

It is the company's sincere hope that Polaroid employees take violence and the threat of violence seriously. All reasonable measures within established company policies and guidelines shall be used to protect employees and to create a safe working environment for everyone.

Employee and Member Assistance Programs



Authors:

Donna Norton, Esq., Family Violence Prevention Fund and Beverly Younger Urban, Delphi Consulting Services

Consultants:

Carol Carlson, Ph.D., Wells Fargo Bank and Stephanie Harkness, Wells Fargo Bank

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- Meeting the Needs of Employees with Domestic Violence Concerns 59
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Employee Assistance or Other Counseling Programs

Employee Assistance Programs (EAPs) or other employer- or union-sponsored counseling programs are designated, by nature of their service definition and program objectives, to respond to employees with any personal concern that impacts their ability to function or diminishes the quality of their lives. Most Employee Assistance Programs provide assessment and referral for any number of employee personal problems, and many also offer short-term counseling, case management and follow-up. The majority of programs use licensed professionals, although some programs rely on para-professional or peer counselors, who help the employee identify what the specific problem and needs for help are and then refer the employee to professionals outside the organization. Confidentiality is both a standard policy and a strong value of EAPs. Although the EAP addresses organizational goals, assisting the “client” or employee is one of the primary EAP functions.

EAP or other counselors routinely respond to requests for assistance with domestic violence problems, providing safety planning, crisis counseling and referrals to shelters, counselors, legal resources, and other necessary services. Their level of expertise in responding to domestic violence depends on the emphasis that each program places on maintaining current knowledge, skills and resources to address it and on the abilities and motivation of the individuals who provide the actual counseling services.

To determine if an Employee Assistance Program or other counseling program is able to address employees’ domestic violence concerns, two crucial questions should be answered by the organization.

- 1 Is the program prepared a) to offer services which directly address the specific needs of employees with domestic violence concerns, and b) to address internal organizational needs by consulting with managers about their employees who may be victims of domestic violence?
- 2 Does the organization effectively utilize the program by encouraging management to consult with it, refer employees for services and integrate counseling program functions into other company responses to employees with domestic violence concerns?



Meeting the Needs of Employees with Domestic Violence Concerns

Employee Assistance Programs vary widely by the type of services provided and by their program design, or the way in which services are delivered. Internal EAPs, staffed and “owned” by the company, are able to more fully integrate themselves in organizational processes, yet they may have to work harder to maintain confidentiality and autonomy. External EAPs, provided by outside consulting firms or agencies, are less integrated and therefore less aware of organizational dynamics, but offer employees greater opportunity for anonymity in using the service. Both models can be excellent and confidential sources of help.

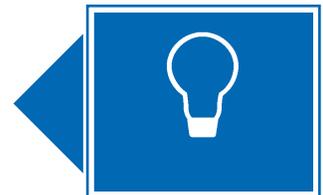
“You’re just in survival mode. Just make it through the day.”

— a survivor

Making the Most of the EAP

Whether the EAP is located inside or outside the organization, the employer can take the following steps to ensure that the program is effectively addressing domestic violence concerns.

- 1 Publicize the EAP and its ability to address employees’ domestic violence concerns.
- 2 Inform Human Resources, Health or Medical, Security and any other employee service staff to refer employees with domestic violence concerns to the EAP.
- 3 Train managers on when and how to refer employees to the EAP.
- 4 Integrate the EAP into any workplace violence prevention efforts, involving EAP staff in threat assessment efforts.
- 5 Ask the EAP to provide training on domestic violence issues to employees and managers.



Selecting Employee Assistance Services

If the organization is currently choosing a new Employee Assistance Program, the above standards for EAPs may be used to interview potential staff or external consultants. In addition, information about choosing Employee Assistance Programs can be obtained from the Employee Assistance Professional Association at (703) 522-6272.

Guidelines for a Successful EAP Response to Domestic Violence

- All EAP staff should be trained to identify the warning signs of domestic abuse occurring in both the victim and the perpetrator, as well as the most effective methods of assessment and intervention in domestic abuse situations.
- The EAP should maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including certified batterer's intervention programs. EAPs can establish relationships with domestic violence service agencies in the community, sharing information and resources.
- A personal and workplace safety plan should be developed when an employee seeks help from domestic violence. A response to domestic violence risks that may occur at work should be coordinated with the company's Human Resources, Security, and Legal department staff, as well as key management. (See sample safety plan in this chapter)
- EAPs must maintain strict confidentiality and respect the employee's need to be self-directing. When appropriate, with the victim's approval and written permission, the EAP staff should consult with management and Human Resources to coordinate: absences required to increase safety or access services; fair consideration of any performance problems directly related to the violence; workplace safety needs; disciplinary actions against a perpetrator who works with a victim and abuses, and/or threatens the victim in the workplace.

“I had such a denial process going on. I just figured I’m not a battered woman because I’m not getting beat up every night. I didn’t even recognize the financial and the sexual and psychological abuse. When I saw it in [print] and [the counselor] made a check list and she checked all fifteen questions and she said, ‘You’re being really abused and you’re being battered,’ I just looked at it and I thought, ‘God, something’s really wrong.’ I think I needed to see it in black and white.”

— a survivor

THE WORKPLACE SAFETY PLAN

Review the following steps with the employee to help increase her safety at work.

At work, she may want to consider:

- Obtaining a civil order for protection (restraining order) and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, the employee’s supervisor, Human Resources, the employee’s reception area, the Legal department, and Security.
- Providing a picture of the perpetrator to reception areas and/or Security.
- Identifying an emergency contact person should the employer be unable to contact her.
- Reviewing the safety of her parking arrangements.
- Having Security escort her to and from her car or public transportation.
- Changing and/or having unpredictable rotations of her work schedule, work site, or work assignment if such a change is possible and would enhance her safety at work.
- Having her telephone calls screened at work.
- Installing additional security measures for her work site.
- Reviewing the safety of her childcare arrangements, whether it is on-site childcare at the company or off-site elsewhere. If she has an order of protection (restraining order), it can usually be extended to the childcare center. She should consult with the company’s legal and security services for guidance.



Horizontal lines for writing notes on the right side of the page.

**Sample promotional flyer for
EAP/Member Assistance Program Services**

Confused? Hurt? Lonely? Afraid? Angry?



Domestic Violence...

Partner Abuse...

**Physical, mental,
emotional or sexual
abuse or coercion by
an intimate partner.**

If you are a victim of any of these abuses, or if you are doing them to your partner and don't know how to stop, we can help!

Contact:

**Employee Assistance Program at _____
National Domestic Violence Hotline: 1-800-799-SAFE (for help and referrals to local domestic violence programs)**

The EAP has concerned, caring professionals who can help you deal with domestic violence. All services are free, available to employees and their families, and completely confidential.

Chapter Summary

The creation of Employee Assistance and other counseling services in the workplace have made a tremendous difference in the ability of employees facing domestic violence to escape violence at home and be valuable contributors at work. If your workplace or union offers any type of counseling service, several components are key to making them as effective as they can be:

- ◆ Employees must know what services are available to them
- ◆ EAPs should provide counseling and safety planning to employees with domestic violence problems
- ◆ All conversations with counselors should be kept confidential, unless there is a serious risk of violence in the workplace, in which case only those who need to know should be involved
- ◆ EAPs should have partnerships or at least referrals to local community agencies that can help
- ◆ EAPs often know the most about how domestic violence is affecting employees. They should share their expertise and recommendations on how to best support and handle this issue with management.

Follow-up Questions

- Do we offer an EAP or any other counseling service to employees?
- Do employees know about this benefit we offer? How do they know?
- Are services confidential and never punitive? Do employees know this? How do they know?
- Can our counselors help employees make a safety plan?
- Do our counselors have partnerships or can they at least make referrals to community agencies who can help?
- Are counselors trained to assess and intervene in domestic violence situations?
- What avenues do counselors have to advise management about domestic violence concerns?

Case Study: Wells Fargo Bank¹

The employee subsequently was given money from the fund to help her move, complete her divorce proceedings, and start a new life.

A manager who had been trained in recognizing and handling domestic violence on the job noticed some behavioral indicators of abuse in one of his employees. He talked with the employee, who was being abused, and referred her to the company's internal Employee Assistance Program. The employee said she had recently filed for divorce, which angered her husband. After the last time he beat her, she filed charges. The husband had been in jail at the time the employee sought help, but was soon released.

An EAP consultant met with the employee, conducted an assessment, and made referrals to a shelter, to her medical doctor, a support group, and an out-patient therapist who specialized in abuse issues. The consultant then obtained a consent form from the employee to consult with Security, in-house Legal, and Personnel Services, in an effort to provide comprehensive team-based management of the case. Security spoke with the district attorney, attended court hearings regarding the release of the employee's husband, helped the employee obtain a restraining order, obtained a corporate restraining order, and provided personal safety counseling for the employee. The in-house legal counsel provided guidance on how to enforce the restraining order in the corporate setting.

Personnel then facilitated the employee's temporary job relocation, giving her the flexibility she needed to take care of both her personal safety and psychological needs. The EAP consultant submitted the employee's name for consideration for financial assistance through an emergency financial fund that Wells Fargo sponsors. The employee subsequently was given money from the fund to help her move, complete her divorce proceedings, and start a new life.

ENDNOTES

- 1 Isaac, Nancy E. ScD., *Corporate Sector Response to Domestic Violence*, Cambridge, Massachusetts: Harvard School of Public Health, 1997: 30
- 2 Provided by Wells Fargo and Company EAP, 1997.

Benefits



Author:

*Stephen T. Moskey, Ph.D.,
Oakland Police Department*

Consultants:

*Carol Carlson, Ph. D., Wells
Fargo Bank, Nancy Durborow,
Pennsylvania Coalition
Against Domestic Violence,
Terry Fromson, Esq., Women's
Law Project, Robin Hassler,
Esq., Governor's Task Force
on Domestic and Sexual
Violence, Nancy E. Isaac, Sc.
D., Northeastern University
School of Law, Donna
Norton, Esq., Family Violence
Prevention Fund, Catherine
O'Reilly Collette, AFSCME,
Beverly Younger Urban, Delphi
Consulting Services*

This chapter contains the following information:

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■ Creating Flexibility in Benefits Administration	72
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■ Case Study: Aetna, Inc.	76

Employee benefits have become commonplace in many American workplaces, and certainly in most mid- to large-sized workplaces. Health, dental, life and disability insurance all make a higher quality of life possible for employees, and help attract and retain good workers. It's important to ensure that discrimination does not prevent employees from accessing their benefits.

At Issue: Insurance Plan Discrimination

One issue that has been of great concern to victims of domestic violence is the prevention of discrimination against victims. Regrettably, there have been documented instances of insurance coverage or benefit payments being denied to victims of domestic violence¹. Though in recent years a number of advocacy and insurance industry groups have worked to ensure that this discrimination does not occur, benefits managers, unions, and others should remain vigilant on this issue and be sure that any benefit plan or insurance product which they offer their employees or members does not discriminate in any way on the basis of domestic violence.

Access to Benefit Plans

Recommended Model Policy: Insurance Benefits and Domestic Violence

We will not contract or provide insurance benefits under a plan that will discriminate on the basis of domestic violence. Domestic violence will not affect an employee's eligibility for, access to, or cost of benefits available through the company, which include health, mental or behavioral health, dental, disability, and life insurance benefits. We will not under any circumstances consider domestic violence as a pre-existing condition which would limit or exclude coverage.

Employers or union organizations may choose to adopt a more detailed statement of their policy on insurance and domestic violence. A comprehensive model policy on insurance and domestic violence is shown below. This policy is designed for organizations to use when negotiating with insurance providers about the benefits design process, designing a self-funded plan, or during performance reviews of benefits administrators. The primary message that needs to be communicated and accepted by the plan administrators or insurance companies is that there should be no bias against victims of domestic violence in the administration of benefits.

Comprehensive Model Policy on Insurance and Domestic Violence

General Principles

- ◆ Underwriting and claims practices that deny access or coverage to victims of domestic violence are unfair.
- ◆ All valid claims for life, health, dental or disability insurance, including claims for death or injury caused by domestic violence, should be paid promptly and fully.
- ◆ Prior or current exposure to domestic violence, with or without injury, should never be considered a “pre-existing condition.”

Underwriting, Benefits Approval and Claims Processing

A history of exposure to domestic violence should not be used in any way during underwriting, benefits approval or claims processing. There should not be any questions designed to elicit such information directly or indirectly during benefits pre-certification or claims processing. If such information about a history of exposure to domestic violence comes to a processor’s attention (i.e. because references to it were included in medical records), it should not be considered in assessing the applicant’s eligibility or the value of the claim.

Life, Health, Dental and Disability Insurance

Both the individual or group life, health and disability insurance policies, self-funded plans, and their insurance administrators should not exclude coverage or access to benefits in cases where domestic violence may be a cause of injuries or permanent health impairments. All members of a group policy should be covered, whether or not any of them has been exposed to domestic violence.

Pre-Existing Conditions and Other Exclusions

The use of pre-existing condition clauses, which limit or exclude the coverage for injuries or illnesses that existed before the coverage took effect, have recently greatly been limited by federal legislation. Organizations should take a clear position on domestic violence by ensuring that an employee’s past or current exposure to domestic



A Santa Cruz, CA, woman was repeatedly turned down for health insurance following a review of medical records that detailed beatings by her husband.²

A Lancaster County, PA woman was unable to obtain reimbursement for emergency room treatment of injuries resulting from domestic violence under her employer's self-funded plan. She was billed for over \$5,000.³

violence will not be viewed as a pre-existing condition, as a health impairment or as an avoidable source of injury.

Privacy

Some employees or members may worry that any documentation of screening, assessment, treatment or referral for domestic violence related issues may result in denial of benefits. If victims fear such a practice, it may discourage them from accessing the benefits they need. It could also make them afraid to tell their health care providers that they are victims of domestic violence.

Employers, insurance companies, and group health plans must have strict standards of privacy and confidentiality, and personal information about an applicant or plan member, including exposure to domestic violence and location of the victim, should never be disclosed to others or to other organizations under any condition unless they are required by law to do so or at the victim's express written request.

Creating Flexibility in Benefits Administration

While supportive policies are the first step toward helping victims of domestic violence to access needed benefits, flexibility in applying those policies is the second. Employees coping with domestic violence may need assistance in determining how their benefits are affected during crucial changes in their lives, such as a marital separation. Benefits consultants who help employees with their benefits selections should have some training in domestic violence awareness and be prepared to help an employee who is abused make informed choices about her benefits package, either before or after leaving her abuser. Examples of relevant issues are:

- ◆ Removing the abusive spouse from medical and dental plans (where permitted by law)
- ◆ Determining the effect of a legal separation, divorce or restraining order on benefits
- ◆ Changing the employee's beneficiary for employer-sponsored life insurance, savings plans, and 401K plans.

These changes may require coordination with other areas of the company, particularly payroll administration. Concerned employees may need to be reassured that benefits consultants can help them deal with these changes confidentially. Employee handbooks or benefits policies may want to include a statement regarding confidentiality and employee benefit plan discussions.

Late Entrant Status

Recommended Model Policy: Benefits Enrollment and Domestic Violence

To the extent permitted by law, we will allow employees who are currently victims of domestic violence to make changes to their benefits plan outside of the open enrollment period, when an employee moves out of a home to escape from the abuser, or obtains a restraining order against him. This is consistent with our general policy which allows a change in benefits outside of the open enrollment period in the case of major life events, such as marriage, birth, adoption, divorce or legal separation.

Most group benefit plans, in both union and non-union settings, have an annual enrollment period during which employees may enroll in new benefits or make changes to existing benefits. Changes to benefits during other times of the year can only be made as a result of clearly defined changes in a person's legal status or family unit — for example, marriage, divorce, separation, birth, adoption, and death of a spouse or child. An employee who is being abused may ask to have her benefits placed under her own name, to prevent the abuser from obtaining information about the location of her new home, or the name and address of her health care providers. Most employer plans do not allow these changes.

We recommend that victims of domestic violence be allowed to make changes to their benefits plan outside of the normal enrollment period, if they have left their abuser and moved to a new address, if they have remained in their own home and the abuser has left the home, or if they have obtained a restraining order against their abuser. If documentation is required for special circumstances, a copy of the restraining order, police report, medical report, statement of a counselor or shelter staff, or statement by a witness to the abuse should be sufficient.

A York County, PA, employer provides health insurance through a self-funded plan that the employer decided would exclude expenses for medical treatment arising from or related to a domestic dispute.⁴

Payroll Administration

Recommended Model Policy: Payroll Administration and Domestic Violence

We expedite requested and documented changes in direct deposit or other payroll changes for employees who are victims of domestic violence, when there is a direct safety concern.

Chapter Summary

Many employers and unions offer their workers benefits to help them stay healthy and productive — including medical, mental health, dental, life, and long term care. Access to these benefits is all the more crucial to employees dealing with domestic violence, who may face injury and stress-related conditions as a result of the abuse.

It is important for benefits administrators to make certain that their insurers and self-funded plans do not discriminate against victims of abuse, with pre-existing condition clauses or other exclusionary practices. Victims of domestic violence are not “choosing” a risky behavior or lifestyle, such as skydiving or race car driving — they are victims of a crime and should be treated and supported as such. Flexibility in benefits administration may also be useful and appropriate.

Follow-up Questions

- What benefit options do we offer our employees?
- Do our benefit plans use a history of domestic violence in any way during underwriting, benefits approval or claims processing?
- Do we make certain that our insurers do not use an employee’s past or current exposure to domestic violence as a pre-existing condition, a health impairment or an avoidable source of injury?
- If we or our insurers have discriminatory practices, how are we going to remedy this?

Case Study: **Aetna, Inc.**⁵

Rhonda and her children had been receiving their health and dental insurance benefits through her husband's employer, and Rhonda did not want to stay on those plans. She was concerned that her husband could get information about where she was living and other details of her life through his employer's benefits office.

When Rhonda was first hired in the company, she appeared to be well-qualified for the job, had good references, and seemed eager to do the job. Within a few months of her hire, however, she seemed to lose some of her enthusiasm for the job. Rhonda's supervisor, Shelly, was puzzled by this apparent change of heart toward the job and the company. But the work was getting done and was of good quality.

About six months later, Rhonda started showing up for work late, leaving early, and had an unusual number of sick days. Shelly was more than concerned, because Rhonda was still in her probationary period, and the ongoing attendance problems could adversely affect her continued employment with the company.

Rumors also emerged about this time regarding Rhonda's situation at home. Shelly suspected that rumors of Rhonda's abuse by her husband were true, and understood that was most likely the cause of Rhonda's increasingly troublesome absences. Fortunately, Rhonda revealed her abuse to Shelly, and Shelly was able to refer her to the Employee Assistance Program. She received short-term counseling in the EAP, and was referred to support services in the community.

Rhonda and her children had been receiving their health and dental insurance benefits through her husband's employer, and Rhonda did not want to stay on those plans. She was concerned that her husband could get information about where she was living and other details of her life through his employer's benefits office. The EAP worker suggested to Rhonda that she meet with a benefits counselor to discuss that issue. Working with the benefits counselor, Rhonda made additions to her benefits package.

She was not able to enroll in the employee health and dental plan, because this change would have occurred off of the normal enrollment cycle. The counselor referred Rhonda to Employee Insurance Services, and through the agency that provides insurance services to employees, was able to obtain temporary medical benefits through an individual policy from another health insurance provider. Rhonda planned to enroll in the group plan later in the year during the normal open enrollment period.

In the course of her meeting with the insurance agent to add this coverage, she mentioned that she was worried about what would happen to her children if anything happened to her. The agent reminded her that she already had a \$10,000 free employee life insurance policy, and suggested that she enroll in the optional group life insurance plan. Knowing that she already had some life insurance coverage in place, she decided not to enroll in additional life insurance at that time, and to defer a decision on that

Security



Authors:

*Stephen T. Moskey, Ph.D.,
Oakland Police Department
and Eve Sheedy, Esq., Worksafe*

Consultants:

*Rick Burns, Jr., Aetna U.S.
Healthcare, Joanne Colucci,
American Express, Julie
Goldscheid, Esq., NOW
Legal Defense and Education
Fund, Nancy E. Isaac, Sc.D.,
Northeastern University School
of Law, Donna Norton, Esq.,
Family Violence Prevention
Fund, Blue Walcer, Labor
Occupational Health Program,
William R. Wipprecht, Wells
Fargo Bank, Beverly Younger
Urban, Delphi Consulting
Services*

This chapter contains the following information:

- What Is Domestic Violence in the Workplace? **80**
- What Impact Does Domestic Violence Have on Security? **81**
- Pre-incident Threat Assessment **81**
- Threat/Incident Report **83**
- Threat Management **85**
- Securing the Work Area **86**
- Working with Local Law Enforcement **87**
- Threat Management Teams **88**
- Post-Incident Management **88**
- Employee Relocation **90**
- Summary, Follow-up Questions **91**
- Case Study: American Express **92**

74% of employed battered women are harassed at work.

Domestic violence is a workplace safety issue. A National Safe Workplace Institute survey indicates that 94 percent of corporate security directors rank domestic violence as a high security problem at their company. Statistics from the US Department of Justice show that some 13,000 acts of violence are committed against intimate partners in the workplace every year and, in light of the limited means of reporting these incidents, the actual number of non-fatal occurrences is likely to be substantially higher. One study found that 74% of employed battered women are harassed at work. Workplace domestic violence also has an adverse and disruptive effect on worker morale, on customer perceptions of the company and its premises, and on the company's legal liability.

If your workplace does not have a formal security department, designate someone to be responsible for the essential security functions described in this chapter.

Domestic Violence Is a Security Issue

Domestic violence prevention is not a personal issue or a woman's issue. It is a societal issue, and in this context, a security issue. The impact of domestic violence in the workplace is verifiable, costly and dangerous. Security personnel need to accept that domestic violence issues are important security issues which require dedication of time, energy and resources. The safety issues attendant to domestic violence cannot and should not be resolved by simply referring matters to human resources and/or employee assistance programs, or considering domestic violence to be a private matter.

What Is Domestic Violence in the Workplace?

Domestic violence in the workplace is a broad concept that encompasses behavior that occurs both on and off the worksite. Domestic violence in the workplace includes all behavior that interferes with an individual's capability of safely and securely performing their duties at work. It includes all kinds of conduct ranging from harassing or repeated telephone calls or faxes to the workplace to unarmed and armed "show-ups" to homicide. Domestic violence in the workplace also includes conduct which occurs outside of the workplace, such as sleep deprivation and physical injuries (breaking fingers, etc.) which impact on an individual's ability to perform their job. A batterer's interference in the workplace or work success of his target, is one of many means by which the batterer exercises and displays his attempt to exert power and control.

What Impact Does Domestic Violence Have on Security?

Preventing workplace violence generally, and domestic violence in the workplace specifically, requires some significant changes in the manner in which security functions have historically been handled.

Change in Focus - Prevention of domestic violence in the workplace requires security to become involved earlier in the process than traditional enforcement protocols dictate. Historically, the role of security is to respond to an incident after something has happened. Addressing domestic violence in the workplace mandates intervention and participation by security before actual violence occurs. The focus of these protocols and programs is to train security to react, assess and respond to threats of violence and/or threatening behavior so that violent and injurious incidents at the workplace can be avoided.

Use of Laws - Since 1990, many laws have been enacted which enable in-house security to obtain law enforcement and criminal justice support before a violent incident occurs. These laws, which include stalking laws, protective or restraining order laws and mandatory arrest, can be used in interventions to protect employees before a violent incident occurs. Security personnel should be familiar with these laws and how they are enforced in their own jurisdictions. Call 1-800-799-SAFE to find domestic violence programs near you and to find out about relevant local laws.

See Chapter 9
for a discussion
of legal issues
for employers

Pre-Incident/Threat Assessment

All reports of threatening or violent conduct should be taken seriously and evaluated. The method of evaluation, screening and assessment will vary depending upon the size of the business and security operation as well as the nature and severity of the threat. Although outside security consultants are not needed to assess each and every threat, access to consultants should be available in the event that threatening behavior appears to be escalating. Since domestic violence relationships can become extremely violent quickly, it is important when utilizing outside consultants that they have some expertise in the field of domestic violence.

In a domestic violence situation, it is important to evaluate the threat in light of the history of the relationship. Unlike other forms of workplace violence, the target, or victim of domestic violence, can often provide substantial information regarding the batterer. She is likely to be able to predict his reaction to various interventions, as well as his level of dangerousness. It is therefore important to include her in the investiga-

See Chapter 3,
pages 46-47 for
information on
when an employee
perpetrates
domestic violence



tion and evaluation of the threat and to respect her decisions regarding potential interventions.

Recognize that a domestic violence victim's participation in the security process will depend on a number of factors. **It is essential that security personnel do not pass judgment on the conduct of a domestic violence victim and that they do not blame her or hold her responsible for the conduct of the batterer.** Similarly, security should not predicate assistance upon a particular course of conduct, e.g., "we will only help you if you leave the relationship."

Depending on the victim's assessment of her situation, and the professional judgment of appropriate security personnel or consultants, several steps can be taken to minimize the risk. If your organization already has a workplace threat response plan, review the following steps and consider how to adapt your process to domestic violence situations.

Reporting and Monitoring.

Security personnel should document each report of domestic violence in the workplace, whether that report is made by the batterer's target or a co-worker. Information from any source about workplace violence or threats, no matter how innocuous they may seem, should never be ignored or downplayed. All threat/incident reports should be treated as sensitive company documents with limited distribution. Information in the reports should be shared on a strict "need to know" basis, as inappropriate dissemination of such information may prevent effective planning or response, may impede civil or criminal actions against the perpetrator, or may heighten the victim's danger and violate her right to privacy. An effective workplace domestic violence prevention plan must be non-retaliatory towards the reporting party, and confidential, to the extent that confidentiality is consistent with safety and other legal requirements.

A sample "Confidential Domestic Violence Threat/Incident Report", which can be adapted for both pre-incident and post-incident reporting, follows. Use the following categories of information as appropriate to develop your own internal report format for threats or incidents of domestic violence.

"I was stalked at home and at work. And I got a change, an unlisted number at my home and then he would just come to my door at home and he would call me at work all the time. And I finally had to leave work because I was really starting to tweak out. I was afraid when the phone would ring. I was terrified."

- a survivor

Incident of Violence or Harassment (With or Without Physical Injury)

14. Describe the incident:

15. Location and time of the incident:

16. How the perpetrator appeared during the incident (physically and emotionally):

17. What happened immediately prior to the incident?

18. How the incident started:

19. What happened during the incident?

20. How the incident ended:

21. What happened to the perpetrator after the incident?

22. Names and phone numbers of witnesses:

23. Names and phone numbers of police called to the scene:

Follow-Up

Attach documentation of workplace and personal safety plans.

24. Name, title, and phone number of person taking report. Date of Report.

Once the report is taken and a security protocol is implemented, Security should monitor the situation for a reasonable time period to determine if there is any escalation, or resolution. A reasonable period for routine monitoring may be one to three months, with the decision to continue beyond that initial period based on both the victim's and the security department's assessment of the threat.

Threat Assessment

All reports of threatening or harassing behavior must be evaluated or assessed by competent personnel to determine the extent of the risk to the individual and the organization. The opinions of the victim must be included in this assessment, as she is most likely the one person who best knows the thinking and tactics of the perpetrator. In some cases, a few precautions beyond those already in place will be sufficient. In others, a higher level of assessment and planning is required. Each case is different, and responses must be tailored to the circumstances. When the threat assessment process determines that a high level of planning or response is needed, a more intensive step should be taken, including, where applicable, the creation of a Threat Management Team (described below). Consult the police, security department or other experts to help you make an accurate threat assessment.

“He always had a direct line to me.”

— a survivor

Threat Management

Security Consulting with the Individual

Once a threat has been identified, documented, and reviewed using the procedures outlined above, it will usually be appropriate to consult with the victim about her personal safety. Security experts, with the assistance of local law enforcement and domestic violence programs, can provide victims with advice and recommendations regarding issues such as:

- ◆ Navigating the criminal justice system
- ◆ Assistance in obtaining a temporary restraining order
- ◆ Finding an attorney for personal representation
- ◆ Dealing with telephone or mail harassment
- ◆ Safety when entering or leaving the worksite, including walking between the parking lot and the building
- ◆ Use of technology to increase safety (e.g., cellular phones)
- ◆ What to do if confronted in the workplace by the perpetrator
- ◆ What to do if the victim sees the perpetrator trying to enter the workplace.

See Chapter 4, pages 62-64 for examples of a personal and workplace safety plan.

Consulting with the victim about these and other issues should occur as soon as possible after the threat is identified, even if the threat management team has not yet been convened. Any delay could be perceived as inaction on the part of the company. The objective of security consulting with the individual victim should be to get quick, effective assistance to her at the earliest possible stage of threat management.

Developing a safety plan for the domestic violence victim is an essential element of threat management, one which includes and respects the views and preferences of the affected employee.

Recommended Model Policy: Respecting a Victim's Views in Developing a Safety Plan

When assisting an employee to develop a personal workplace safety plan, ask what changes, if any, could be made at their workplace to make her feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a personal workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or customers are at risk, it is essential to take measures to provide protection for them.

Securing the Work Area

In addition to a personal safety plan, management or union personnel in the organization may need to review the general security precautions that are in place, the physical layout of the worksite, and the need to prepare for the possibility of an on-site incident.

Site access and entry control procedures are the first line of defense against unwanted intrusion into the workplace by a perpetrator. Technology provides effective tools to control access to worksites and identify those who enter it, and worksites in larger companies are usually protected by some combination of electronic systems and security personnel. But even in worksites without technology-based site access systems, simple measures such as ID badges, locked external doors, and employee awareness of site security provide a good measure of safety.

If your worksite has any form of security, it can provide a valuable front line of defense for any employee who is being pursued or stalked by an abuser. Abusers and

Over half of battered women surveyed in one study report that their abusers harassed them at work.

—Bureau of Nat'l Affairs, *Violence and Stress: The Work/Family Connection*, (Aug. 1990)

stalkers are known to be extremely resourceful in gaining access to buildings and sites with even the best of security systems, often by simply talking their way in or getting someone on the inside to help. In reviewing your site access and entry control systems and procedures, you should consider the following issues:

- How well trained are your officers (including contract security officers) and your employees with respect to workplace violence?
- Could a stalker talk his way past a security officer by claiming, for example, that he was there to have lunch with his wife?
- Do employees inside the building open the door to strangers who have “forgotten their IDs”?
- Do you have round-the-clock security, or could someone gain access to the building after hours?

The physical layout of the worksite can make a victim more vulnerable to violence. Victims who are being actively harassed, stalked, or threatened should not be located in work venues that are accessible to the general public or where their view of people coming and going is obstructed. Retail and public service environments may present challenges to this general rule, but some form of accommodation should be developed by the threat management team with the assistance of law enforcement if necessary.

The following guidelines should be reviewed for each case of possible on-site intrusion:

- The victim should never sit with her back to a door, lobby, or street-level window.
- There should be barriers (desks, dividers, walls, furniture) between the victim and entrances that a perpetrator might use to enter the workplace. Such barriers provide cover and may give the victim a chance to escape via a predetermined route.
- Victims should be moved to alternate worksites unknown to the perpetrator if possible, even to worksites out of state, if the threat level is sufficient to justify this action and the victim wants to be relocated.



“The police...asked my supervisor to please give me a different office and she said No, even though there were other offices available. I worked with my back to an open door, which is right off the elevator lobby, and it’s really scary.”

- a survivor

Working with Local Law Enforcement

In many cases, it will be appropriate to contact local law enforcement agencies when employees report threats of domestic violence or harassment to security and there is a reasonable risk that an incident of violence may occur at the workplace.

Local police may have information that could be helpful in assessing the level of threat against the employee while she is at work; for example, they may have dealt with the perpetrator in the past and be familiar with his patterns of violence. It is also helpful for police to know the potential need for police intervention at your worksite. It is important to inform the victim that the police will be notified, and if possible, to obtain the victim's consent beforehand.

Threat Management Teams

When threatened conduct cannot be adequately dealt with by security and additional resources are required, a threat management team should be assembled. This team should include representatives or consultants from security services, the legal department, Human Resources, and a member of management that has the authority to commit resources. Other professionals may be added depending on the nature of the worksite. Local law enforcement may be an important member of the team, particularly if there is no on-site security. If a company does not have these internal resources, it should work closely with local law enforcement and consider hiring a security consultant with expertise in the area of domestic violence to perform the functions of a Threat Management Team when the situation requires this type of response.

The threat management team will develop recommendations for the specific threat reported, and work with the victim, management, and the union (if applicable) to implement that plan. The victim's own assessment of the level of threat must be respected and factored into this process.

Post-Incident Management

Following a worksite incident of domestic violence, management, security, Human Resources, the Employee Assistance Program, and the union should be prepared to manage its aftermath. This includes documenting the incident, helping employees deal with its psychological consequences, supporting prosecution of the offender, and continuing normal business activities.

Documenting the Incident

A workplace incident of domestic violence must be documented carefully to serve the needs of the victim, security operations, risk management, the law department, and law enforcement. Critical lessons from the incident and how it was handled can be gleaned from reports of the incident and debriefings with victims, witnesses,



and security officers who responded to the scene. Police who responded to the scene will produce their own reports and narratives of the event, and copies of these should be obtained, if possible, to assist in developing a complete file on the incident. Documentation of an incident of domestic violence at the workplace may be helpful to the victim in obtaining a restraining order and/or child custody.

Helping Employees Deal with the Psychological Consequences

An incident of violence (with or without physical assault or injury) is a traumatic event for all who were its victims, were involved in it, or witnessed it. Helping employees who were involved in some way deal with the psychological aftermath of the event will reduce the organizational “cost” of the event. Without follow-up counseling, managers and union officials may see absenteeism rise, productivity fall, and workers’ compensation claims filed. The following provides guidance on developing a plan for what happens after an incident ends.

Post-Incident Trauma Management Plan²

Support Prosecution of the Offender

Organizations which have a strong policy against workplace violence and harassment should also be prepared to support prosecution of those who violate their policies. Supporting prosecutions has two benefits to the organization. First, it helps prevent further incidents from occurring, and second, it shows support for victims and their families.

Organizational support for prosecution of offenders can include:

- ✓ Giving victims and witnesses time off from work to assist police and prosecutors in developing the case against the offender.
- ✓ Cooperating with law enforcement authorities to help identify and prosecute offenders, including sharing internal reports and information (to the extent permitted by law).

An employer may strengthen the overall case against the perpetrator by reporting such offenses as trespassing, destruction of property, etc., and doing so may strengthen the overall case against the perpetrator.



Employee Relocation Programs

Many larger companies have relocation programs designed to move employees from one job site to another for career development or business reasons. If your company has the ability to relocate employees, consider offering job reassignment and relocation assistance to victims of domestic violence who are at risk of life-threatening assault from their abusers. This is a fairly extreme measure that should be taken only after thorough consideration by the employee and the company alike. Some companies already have an informal policy of relocating domestic violence victims, upon request, to a job in another region, or even to a subsidiary or branch office, if necessary.

Guidelines for Relocating an Employee Whose Life Is Threatened by Domestic Violence

If you decide to offer relocation assistance, both the employer and the employee should seek the help of law enforcement, professional security advisors, and the courts, as appropriate. The following precautions, at a minimum, should be in place before the actual move.

- Co-workers and management in the original worksite should NOT know the identity of the new location, except those who must know in order to help with the relocation (i.e. change of payroll roster, address for benefits, etc.)
- The employee's name should be eliminated from company phone directories, electronic mail directories (if these include office location, job title, etc.), and organizational charts that might pose a safety risk.
- Company policy regarding the privacy and confidentiality of employee information needs to be extended beyond personal information, to include the protection of information about job title, work schedule, dates of service, presence in the office on a particular day or at a particular time, and work site location.

Abusers will seek every avenue possible to obtain information about their victims, and even one small piece of seemingly inconsequential information can be used by an abuser to trace the employee's relocation.



Case Study: American Express³

Security Management worked with Vivian to develop an action plan that included a special parking space closer to the entrance, escorts to her car after her shift, a cellular phone and a referral to the Employee Assistance Program.

Vivian came to the Security Office just before her shift was about to start. She had been followed by her ex-boyfriend, Charles, to work. Their relationship ended four months earlier, and since then, she had been harassed by him. He continually called her at home, and three days earlier, he broke down her front door and told her roommate, “When you leave, Vivian’s problems are really going to start.”

This was not the first time Charles had been threatening. Three weeks before, he placed dirt in Vivian’s gas tank, and threatened more vandalism. He had been arrested for domestic violence before. In 1994, he was arrested for assaulting Vivian. He repeatedly threatened to kill her, burn the house down, and take their son.

Vivian spoke to Security Management about the problem. Ten days after her visit to Security, she reported to Security that Charles woke her up by banging on her door, demanding to be let in. She called 911 and the police responded, but he had already left. Half an hour later he returned, more angry than before, and broke the glass to her front door and assaulted her. The next day she obtained a restraining order on her way to work.

The following day he followed her to work. She stopped at the bank to pay her mortgage, and when she exited her car, Charles swerved in front, blocking her. He jumped out and grabbed her by the neck, choked her and threw her to the ground. Police were notified by a bank employee and responded, but again, Charles had fled. The police officer said that they could not arrest Charles for a violation of the restraining order because he was not served yet, and was told she must personally file charges against him. She was taken to the emergency room.

Plan of Action and Follow Up:

- ◆ The Threat Assessment Team spoke to her manager and Human Resources, and Vivian was given paid time off to assist her through this process.
- ◆ Security Management worked with Vivian to develop an action plan that included a special parking space closer to the entrance, escorts to her car after her shift, a cellular phone and a referral to the Employee Assistance Program.
- ◆ Vivian called a counselor at the Employee Assistance Program, who gave her numerous resources in her community who could help.

Workplace Health Services



Authors:

*Debbie Lee, Family Violence
Prevention Fund*

*Patricia Salber, M.D.,
Kaiser Permanente*

This chapter contains the following information:

- Identifying and Treating Domestic Violence **96**
- How to Screen for Domestic Violence **97**
- Interventions **98**
- Mandatory Reporting **99**
- Making Appropriate Referrals **99**
- Documenting Injuries **100**

- Further Action **103**
- Summary, Follow-up Questions **104**
- Case Studies **105**

For the four million women who are physically abused by their husbands or boyfriends every year, their health care provider is often the first and sometimes the only place they go for help. Sometimes, this health care provider is the occupational health professional at their worksite. If your workplace offers on-site health services — providing emergency first aid and/or routine health care services — it is highly likely that employees will come to the medical or health services with symptoms or injuries directly or indirectly caused by domestic violence. Physicians, nurses, and other health care workers should be trained to routinely screen all women for and respond to domestic violence.

There are four key areas where an occupational health professional can best serve an employee/patient who is a victim of domestic violence: Screening for domestic violence, intervening by providing the patient with validating and supportive messages and information about domestic violence, documenting injuries, and referring to in-house and community resources.

Identifying and Treating Domestic Violence¹

While it is very likely that some employees coming in to see an occupational health professional are facing domestic violence at home, health professionals often treat the injuries or other complaints themselves without recognizing or addressing the underlying cause of domestic abuse.

The fact is, occupational health professionals should discuss domestic violence with their patients in the same way they would any other preventable health problem. Treating broken bones and then sending women back into violent and unsafe situations simply is not an effective approach to domestic violence-related injuries and health problems.

Recommended Model Policy: Identifying and Treating Domestic Violence

All women employees should be routinely screened for domestic violence, whether they exhibit obvious symptoms or not. Screening for domestic violence means asking direct questions about domestic violence. Screening should be followed with an assessment, intervention and documentation of abuse.

Why not wait until the employee shows signs of abuse? Domestic violence can cause a wide array of symptoms and signs, so lists of indicator conditions may

The fact is, occupational health professionals should discuss domestic violence with their patients in the same way they would any other preventable health problem.

prove to be so broad as to be useless. Although injuries are common and frequent in domestic violence, far more woman have experienced domestic violence than only those presenting with injuries.

Most worrisome, though, is data that show how unlikely providers are to identify domestic violence even when it is obvious, as in the case of physical trauma. Health care workers without special training in domestic violence have been shown to detect less than 10% of cases.

Studies and providers' experience have shown, however, that patients do respond openly to direct questions about domestic violence. Rather than wondering why an employee is reluctant to volunteer without being directly asked that she is suffering from domestic violence, providers must ask themselves, "How can I make it clear to this person that it is safe and helpful to tell me about domestic violence?"

How to Screen for Domestic Violence

Occupational health professionals can and should screen for domestic violence during routine health assessments by asking all women direct questions regarding injuries, abusive behavior, threats or fear of harm from their partners. Questions can be integrated into all intake forms and reminders can be printed onto charts as check off boxes or added as stickers or stamps. Screen verbally in addition to any written questionnaire forms used. When unable to converse fluently in the employee's primary language, use a professional translator or another healthcare provider fluent in the employee's language to ensure the accuracy of the translation — do not use the employee's family or friends as translators when asking about domestic violence.

Below are some sample questions that health care providers can use to screen all women patients for domestic violence:

- ◆ "Because violence is so common in women's lives, I now ask every woman who I see about domestic violence."
- ◆ "Sometimes when I see an injury like yours, it's because somebody hit the patient. Did that happen to you?"
- ◆ "Have you been under any stress lately? Are you having any problems with your partner? Have your fights ever become physical?"

For more information on concerns of immigrants, see Chapter 2, pages 32-33

In one Minnesota hospital, doctors wear buttons that read, "It's okay to talk to me about family violence and abuse." Sponsored by the Minnesota Medical Association, the buttons provide a subtle yet effective way to break through the taboo of domestic abuse, and allow patients to bring up the subject in an environment they know will be safe and supportive.



- ◆ “Has your partner or ex-partner ever hit you or physically hurt you? Has he ever threatened to hurt you or someone close to you?”
- ◆ “I’m concerned that your symptoms may have been caused by someone hurting you. Has someone been hurting you?”

Interventions²

Intervention begins by letting a woman know that you are concerned, that she is not alone, that she doesn’t deserve the abuse and that help is available. These things can begin to bridge her isolation and open other possibilities.

Intervention includes validating, providing information about domestic violence, and safety planning. Validating messages include:

“I am concerned about your safety and well-being.”



“I understand how difficult it is for you to make the needed changes.”



“You are not alone.”



“The violence is not your fault, and only your abuser can stop his (or her) abusive behavior.”



“No one deserves to be abused. There is no excuse for violence, and you deserve better.”



“There are options and resources available.”

“I spent a long time going in with Oh, well, I’ve just got bruises here and here, you know. I was like, I’m not really in a battering situation. I’m not bleeding, you know.”

— a survivor

Information about domestic violence should include the message that domestic violence tends to get worse over time and usually does not go away on its own. Discuss the fact that violence in the home can have long-term damaging effect. Even if the children are not being physically abused themselves, witnessing the abuse seriously affects their development. Let each patient know that there is assistance available to them, in the workplace and in the community.

Help her plan for her safety. See pages 62-65 in chapter 4 for guidance on creating a personal and workplace safety plan.

See Chapter 4, pages 62-65 for sample personal and workplace safety plans.

Mandatory Reporting

Some states have now legislated mandatory reporting by health care providers to police in all cases of identified or suspected domestic violence. The American Medical Association and domestic violence advocates nationwide find this to be the wrong approach.

Mandatory reporting laws could have a chilling effect on women seeking treatment. Forcing a link between medical treatment and police intervention against her may result in women not disclosing the cause of their injuries, or worse, fleeing health care treatment altogether. The employee who is a victim of domestic violence knows most intimately the kind of danger she is confronting, and she must be an integral part of the decision-making process regarding steps to be taken in her case. The law also raises issues of confidentiality, patient autonomy, and informed consent.

While we encourage a policy of routine screening of women employees for domestic abuse, it is important to bear in mind that mandatory reporting laws may exist in your state. If your state has mandatory reporting laws for healthcare providers, discuss the potential for mandatory disclosure to police with the employee so she may be a part of the decision-making process in moving forward with her care and taking steps to ensure her safety.

Making Appropriate Referrals

In addition to treating the presenting symptoms and referring the victim to her personal physician or the emergency room, on-site health care professionals can assist victims by making appropriate referrals to workplace and community resources. When such referrals within the workplace are made, the patient's consent must be obtained.

Occupational Health Domestic Violence Screening/Documentation Form

DV Screen

DV+ (Positive)

DV? (Suspected)

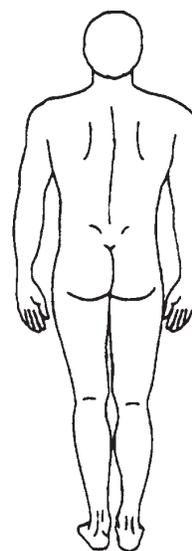
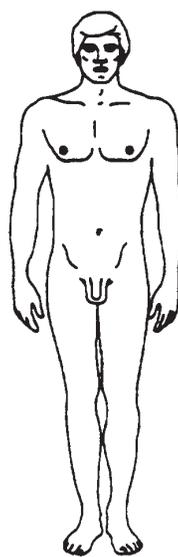
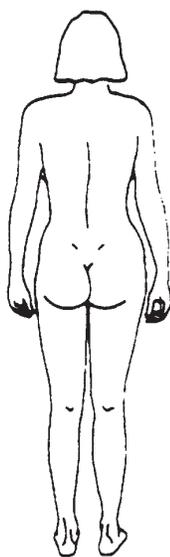
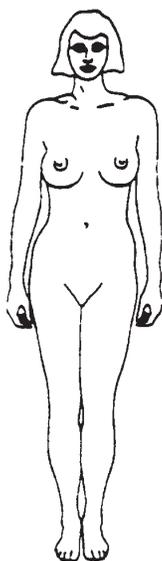
Date: _____ Patient ID# _____

Patient Name _____

Provider Name _____

Patient Pregnant? Yes No

REDUCED 85%



Assess Patient Safety

- Yes No Is abuser here now?
- Yes No Is patient afraid of their partner?
- Yes No Is patient afraid to go home?
- Yes No Has physical violence increased in severity?
- Yes No Has partner physically abused children?
- Yes No Have children witness violence in the home?
- Yes No Threats of homicide?

By whom: _____

- Yes No Threats of suicide?

By whom: _____

- Yes No Is there a gun in the house?
- Yes No Alcohol or substance abuse?
- Yes No Was safety plan discussed?

Referrals

- Hotline number given
- Legal referral made
- Shelter number given
- In-house referral made

Describe: _____

- Other referral made

Describe: _____

Reporting

- Law enforcement report made
- Child Protective Services report made
- Adult Protective Services report made

Photographs

- Yes No Consent to be photographed?
- Yes No Photographs taken?

Attach photographs and consent form

Further Action

In addition to screening, referring and documenting patients with domestic violence, there are six other steps that occupational health professionals should take to effectively handle domestic violence as it affects the workplace. These areas should be considered when creating policy for on-site health services at your workplace.

Occupational Health Professionals should:

- 1 Participate in domestic violence training as provided.
- 2 Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
- 3 Work with survivors, Security staff, Human Resource Professionals, the Employee Assistance Program, the Legal department, union representatives (when applicable), law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients. (See page 65 for guidance on a safety plan.)
- 4 Work with supervisors, managers, (and union representatives, when applicable) to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
6. With Human Resources or Communication department approval, post information about domestic violence in the in-house health clinic area. Have information available where employees can obtain it without having to request it or be seen removing it.

For more information on training, call the Health Resource Center on Domestic Violence at 1-888-RX-ABUSE

Chapter Summary

In some workplaces, often factories or industrial settings, a nurse or other occupational health professional is available. This health professional should be trained to screen all women for domestic violence and be able to recognize and treat domestic violence, and have materials to offer an employee about domestic violence. The environment of the health office should feel safe and friendly. This can be accomplished by displaying anti-domestic violence posters, safety cards and other awareness materials (see order form in appendix for these and other materials.)

The occupational health professional can be most effective in four ways:

- ◆ first, provide routine screening for domestic violence
- ◆ second, intervene
- ◆ third, refer an employee identified as a domestic violence victim to the Employee Assistance Program and/or community domestic violence programs, and
- ◆ fourth, document the domestic violence and any symptoms, psychosomatic complaints or injuries in a medical file, if possible. This can be useful to the employee if she goes to court.

Follow-up Questions

- Do our occupational health professionals have materials they can give employees about increasing their safety in a domestic violence situation?
- Do the occupational health professionals refer employees to in-house counseling programs when appropriate?
- Does the staff have adequate training on domestic violence?
- Do the occupational health professionals screen for and document domestic violence in women employees?

Case Studies³

Case Study #1

An employee came to the occupational health services because she burned her hand on a steam iron. While treating her injury, the health practitioner noticed that she had a fading bruise from a black eye. When asked about the bruise, the employee stated that she fell off a stool. The provider discussed with her that such an isolated injury was unlikely to be the result of a fall, and more likely to be the result of a direct blow, such as with a fist. The employee hesitantly admitted that her boyfriend had hit her.

Treatment Given and Resources Given: 1. Treatment for burn given. 2. Documented injury in medical file. 3. Gave patient information from local domestic program and encouraged her to call for advice and counseling.

Case Study #2

An employee came to occupation health practitioner complaining of worsening migraine headaches. The overall frequency of the headaches was increasing but otherwise the pattern was unchanged. He described life as increasingly stressful. The major source of stress was at home. He reported that his partner has been very verbally and physically abusive, and the previous night threatened him with a handgun. The abuse had been occurring since they started dating seven years ago, but had escalated in the past year. He reported several visits to the emergency room for injuries related to these events, but said that no one has asked him about domestic violence until now.

Treatment and Resources Given: 1. Contacted domestic violence counselor from local agency by phone for consultation with patient. Patient agreed to speak with the counselor. 2. Referred to local hospital for headaches. 3. Followed-up in 1-2 days to reassess situation. Patient given domestic violence brochure to read. 4. Referred to Employee Assistance Program for further counseling and to develop a safety plan with workplace security.

What Unions Can Do



Authors:

Donna Norton, Esq., Family Violence Prevention Fund, Catherine O'Reilly Collette, AFSCME, Carolyn York, AFSCME

Consultants:

Susan Lander, Esq., AFSCME, Blue Walcer, Labor Occupational Health Program

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- What Unions Can Do 110
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Unions Respond to Domestic Violence

Domestic violence fits into the agenda of unions as a family issue, a public health issue, a workplace issue, and a community issue. Like other struggles for health, safety, and human dignity, domestic violence impacts the lives of untold numbers of working people in the U.S. With increasing frequency, we hear reports about domestic violence that spills into the workplace. Domestic violence can have a disruptive, even dangerous effect on the lives of workers as well as the larger community.

Union interest grows out of a strong tradition of fighting for social and economic justice for the workers they represent as well as for the broader community. In addition to a higher standard of living, unions have fought for respect, civil and human rights, personal self-determination, and freedom from violence.

What is Domestic Violence?

Domestic violence is a pattern of assaults and controlling behaviors, including physical, sexual, and psychological attacks and economic control, that adults and adolescents use against their intimate partners. Domestic violence is lethal, common, and affects people of all cultures, religions, ages, sexual orientations, educational backgrounds and income levels. The overwhelming majority of adult domestic violence victims are women, and perpetrators are men. Almost four million women are physically abused by their husbands, boyfriends or intimate partners every year. It is a certainty that union members are affected personally by domestic violence.

Domestic violence is not an isolated, individual event. One battering episode builds on past episodes and sets the stage for future episodes. All incidents of the pattern interact with each other and have a profound effect on the victim. There is a wide range of consequences, some physically injurious and some not; all psychologically damaging. Without intervention, the pattern of assaultive behaviors often escalates in both frequency and severity.

Domestic Violence: A Workplace Issue

Unions increasingly have put the issue of workplace violence as part of their agendas to protect workers. Domestic violence often becomes workplace violence. It is crucial that domestic violence and other forms of workplace violence be seen as serious, recognizable, and preventable problems like thousands of other workplace health and safety issues.

Victims of Domestic Violence May Be Especially Vulnerable While They Are at Work

The lethality of domestic violence often increases at times when the batterer believes that the victim has left the relationship. Once a woman attempts to leave an abusive partner, the workplace can become the only place the assailant can locate and harm her. Each year, husbands and boyfriends commit about 13,000 acts of violence against their wives or girlfriends while they are at work. According to the National Institute of Occupational Safety and Health, domestic violence has contributed toward making homicide to the leading cause of death for women at work. Without knowledge of the signs of domestic violence, the risk of danger is magnified to the woman as well as to her co-workers.

Domestic Violence Affects Productivity

A study of New York survivors of domestic violence found that abusive husbands and partners harassed 74% of employed battered women at work, causing 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month. Batterers also may miss work because of violence, incarceration, or legal proceedings resulting from the violence. All workers are at risk.

Why Is Domestic Violence a Union Issue?

Violence against women is a form of discrimination. It is a violation of one's rights, and exists in a society in which women frequently experience discrimination. The labor movement and other social movements in the U.S. share responsibility in the struggle for human dignity, including freedom from violence.

Unions work to protect all workers. With more than four million women victimized by domestic violence every year, abuse directly affects union members — those who are victims and those who batter.

In addition to bread and butter issues, unions work to protect the health, safety, and well being of the workers they represent. Women facing domestic violence are at higher risk of on-the-job violence. They are more likely to miss work or come in late.

Victims of domestic violence may be disciplined by management for job performance problems and can lose opportunities for promotion and advancement. When issues such as high absenteeism and declining job performance result in disciplinary actions, union stewards become involved.

“You feel like you’re a capsule that’s about to explode because nothing around you supports you and helps you to find a way out.”

— a survivor

Many union members work in professions that deal directly with domestic violence and its consequences including emergency dispatchers, social workers, police officers, health care workers, taxicab drivers, and security personnel. Unions can assist workers in these professions through efforts such as in-service trainings and by encouraging public awareness about domestic violence.

The workplace is where many women facing domestic violence spend at least eight hours a day. It's an ideal place for her to get help and support. Unions can help assure that victims of domestic violence understand and access services, information and protections available to them.

Unions are uniquely positioned to be a key force in helping women stay safe, both on the job and at home. They can help reduce the risk of violence for workers while maintaining jobs — a key to economic self-sufficiency. By addressing domestic violence, unions can make a significant difference in the lives of their members.

What Unions Can Do

Union Training:

- Be sure all members have information about where to refer other members for help.
- Include information about domestic violence as part of your steward/delegate training.
- Do stewards know how to recognize the signs of domestic violence?
- Do they know the appropriate policies around the issue?

For Stewards/Delegates:

- Make sure all information about the woman's situation is confidential.
- Let women know that the union is there to support them when domestic violence causes on-the-job problems. Offer to be an advocate to get the employer to make some accommodations to help her through a crisis.
- Negotiate employer-paid legal assistance and other types of assistance programs for use by abused members.

**TAKE
ACTION!**

- Be sure that your Member Assistance Program and/or Employee Assistance Program includes services for members dealing with domestic violence.
- Either independently or in cooperation with the employer, sponsor workshops about domestic violence.
- Work with personnel or human resources departments to ensure that procedures are in place to protect women from domestic violence in the workplace.
- If you work in a profession that deals directly with the problem (i.e. police, social worker, attorney, medical service personnel, corrections officer, etc.) and you see ways that services you provide could be more effective, strategize with the union about how to get your ideas implemented.
- Negotiate contract language that is supportive to members dealing with domestic violence, including leaves of absence, transfers, worksite security, and paid time to attend court hearings.
- Provide all members with information about their rights.
- Do you or your employer offer an Employee Assistance Program or other counseling service? Are they trained to provide counseling on domestic violence? At the very least, they should offer referrals to service providers who specialize in domestic violence.
- Negotiate for improved security at the workplace. Security can play a critical role in the safety of women at work. It may help to move her workspace to a safer location if she is in a reception area. Cellular phones can be issued to workers in isolated locations. If a woman has a restraining order against someone, or is being stalked, she can give a recent photograph of her batterer to security. If he comes to her work, he can be arrested. Stalking and violating restraining orders are against the law. There are other steps security can take: special training in domestic violence, escorts to parked cars, installing extra lighting in the parking lot, and priority parking near the building for women who fear an attack at work.
- Conduct a drive to collect clothes, toys, furniture or money for a local domestic violence program or shelter. Adopt a local agency to raise funds for specific needs, such as repairs.



Sample Union Resolution

Domestic violence is lethal, common and occurs in every ethnic and socio-economic segment in society. Almost four million women are physically abused by their husbands or boyfriends every year. All too frequently, the battering has fatal consequences. National crime survey data shows that once a woman has been victimized by domestic violence, the risk of being victimized again is substantial: about one-third of women who are abused are battered again within six months.

Problems of domestic violence spill over into the workplace. Domestic violence is a workplace safety issue, as batterers may pose serious threats to the safety of their partners at their workplaces, and to their co-workers. Women who are battered may miss work, have poor job performance, or frequently be late.

Therefore be it resolved that:

[Union] develop educational materials and training for [union] members that provide information on domestic violence.

[Union] assist chapters, affiliates and locals in developing programs and procedures for recognizing and dealing with instances where members, their families or their job security is threatened as a result of domestic violence.

Be it further resolved that [union] encourage all members and chapters to:

support shelters, child care and other advocacy services for battered women and their children through volunteer efforts.

sensitize society to domestic violence through discussions and informational campaigns.

urge their representatives in Congress to continue to fund programs for people affected by domestic violence.

encourage and promote counseling for any member who has been abused or who is an abuser, and to aid the battered woman in relocation if necessary.

negotiate for paid legal services benefits, and paid leave to address issues of domestic violence.

Union Sample Contract Language on Domestic Violence

General Statement

The Employer and the Union agree that all employees have the right to a work environment free of and safe from domestic violence. Domestic violence, which may involve physical, psychological, economic violence or stalking, against a current or former intimate partner, is a widespread societal problem which must be prevented. The Employer shall use early prevention strategies to avoid or minimize the occurrence and effects of domestic violence in the workplace and to offer assistance and a supportive environment to its employees experiencing domestic violence. In all responses to domestic violence, the Employer shall respect employees' confidentiality.

In order to help eliminate domestic violence and to assist employees who are affected by domestic violence both inside and outside the workplace, the Employer shall complete the following tasks within six (6) months following the date of ratification of this contract:

- 1 Distribute to all employees and post appropriate information concerning the nature of domestic violence, methods by which it may be prevented or eliminated, and avenues through which victims and/or perpetrators may seek assistance.
- 2 Post on all Management bulletin boards information on the National Domestic Violence Hotline and local resources;
- 3 Provide the union with copies of the information noted in subsection 1) and 2) above for posting on Union bulletin boards.
- 4 Conduct training programs, in conjunction with experts in the field of domestic violence and the Union, for employees. The purpose of the training shall be to instruct the employees about the nature and effects of domestic violence, the impact of domestic violence on employees in the workplace, and sources for referrals for assistance. Employees shall also be trained on the provisions relating to domestic violence contained in this contract.
- 5 Brief supervisory personnel on the problem of domestic violence and their role in identifying employees in need of referrals for assistance.

Leave Time

Employees shall have the right to use sick leave, personal leave, annual leave, compensatory time, and any other paid leave for medical appointments, legal proceedings, or other activities related to domestic violence. Such absences shall not be counted



against the employee under any attendance policy for disciplinary purposes, and may be taken without prior approval.

If all paid leave has been exhausted and additional periods of leave are needed to attend to medical, legal, or other matters related to domestic violence, the employees shall have the option of taking family and medical leave of up to twelve (12) weeks. The leave shall be unpaid, but the Employer shall administer the leave in accordance with the federal Family and Medical Leave Act (FMLA), including but not limited to the FMLA's provisions pertaining to health benefits and job reinstatement.

Transfers and Work Schedules

In order to provide assistance to an employee experiencing domestic violence and to provide a safe work environment to all employees, the Employer shall make every effort to approve requests from employees experiencing domestic violence for transfers to other worksites and/or changes in work schedules.

Workplace Safety

The Employer shall, in conjunction with experts in the field of domestic violence and the Union, undertake a review of all current security procedures to ensure inclusion of specific safety considerations and responses appropriate for employees experiencing domestic violence at their workplace. Based on the review, the Employer and the Union shall meet to reach a joint agreement on any changes which shall be made to the Employer's security procedures. Changes made to the security procedures shall be implemented within six (6) months following ratification of this contract.

Health Insurance

The Employer shall allow an employee who presents evidence that she/he is experiencing domestic violence to opt into the Employer's group health plan without regard to the plan's open enrollment period, if such employee would otherwise be without health insurance or would be at increased risk of violence by remaining on their partners' health plan. Evidence shall include, but not be limited to, a police report, medical report, statement of a counselor or other shelter staff, injunctive order, declaration of a witness, or the employee's own signed statement.

Discipline

Section [1]

When an employee who is subject to discipline, including counseling, for work performance, attendance or any other reason, confides that she/he is experiencing domestic violence and provides some form of supporting documentation, such as a police report, medical report, statement of a counselor or shelter staff, injunctive order, a declaration of a witness, or the employee's own signed statement, a referral for appropriate assistance shall be offered to the employee in lieu of disciplinary action and the disciplinary action shall be held in abeyance for six (6) months. In accordance with other provisions of the contract, the employee has the right to union representation in any and all discussions with the Employer pertaining to this section.

The matter will be reviewed following the six-month period, and if the problem which initiated the disciplinary action has satisfactorily improved, any information pertaining to the discipline shall be removed from the employee's personnel file. If the problem remains, the employer, the Union, and the employee shall meet before the Employer undertakes any disciplinary action.

Section [2]

Any employee who engages in domestic violence on the Employer's premises, during work hours, or at an Employer-sponsored social event, may be subject to disciplinary action in accordance with this contract. The union shall be notified within two (2) working days of any potential disciplinary action under this section. In accordance with other provisions of this contract, the employee has the right to union representation in any and all discussions with the Employer pertaining to this section.

Such employees shall also be referred to appropriate resources through the Employee Assistance Program and/or other local resources.

Employee Assistance Plan

The Employer's Employee Assistance Plan (EAP) shall include professionals trained specifically in domestic violence and its potential impact on work performance.

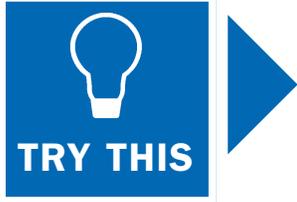
Legal Assistance Plan

Within one (1) year following ratification of this contract, the Employer shall make a legal assistance program available to employees. Assistance shall be available for general legal problems, including but not limited to, domestic violence. This program shall be developed jointly by the Employer and the Union prior to implementation.

8

Sample Newsletter Article — Union Setting

Domestic Violence Is a Union Issue



Carol had an even deeper appreciation of her job than most workers. Getting it probably saved her life. “I came from a home background where I was an abused wife,” she said. “At that time, battery of women wasn’t recognized.” Over the years, she had frequently called in law enforcement personnel. “They wouldn’t help me. Or they would make me leave my house with my five kids. I would have to walk — at two or three in the morning — to my sister’s house. You never knew what provoked him. One time I woke up in the hospital and I didn’t know who I was.”

“It took me 18 years to get out of it. He stopped abusing me and started on my children.” At about that time, Carol found a state job. “I was making \$114 a week — I never got a penny of support — and I decided I could pay the rent and support my children. You get strong from that sense of security.”

Carol was lucky. She got out of her dangerous marriage, and now volunteers at shelters and is frequently called in to counsel co-workers who are in an abusive relationship. She now chairs her state’s International Women’s Advisory Committee. “I learned a lot about what a union should be, “ she

says, “and what a union could do for people like me.”

Domestic violence is a workplace issue. Did you know that almost four million women in the United States are physically abused by their husbands or boyfriends? This can spill over into the workplace in higher absenteeism, greater need for medical benefits, and higher risk of on-the-job violence. No one deserves to be abused, and [name of local] is taking steps to help.

If you are living with domestic violence, the union has resources that can help. We can help you negotiate for flexible work schedules for counseling and court appearances, and for specially trained security if you feel at risk on the job. Talk to your union steward for confidential advice and details.

If you are currently being beaten or hurt in a relationship, there are resources available and people who want to help you. Call 1-800-799-SAFE for help and referrals to people nearby who can help keep you safe.

For more information about talking to women about domestic violence, or speaking out in the community and workplace, call 1-800-END-ABUSE.

Copy and Distribute

Brochure - Union Setting

The following two pages consist of a three panel brochure that you may copy.

REDUCED 85%

REDUCED 85%

Chapter Summary

Unions have a long tradition of standing up for human rights. Reaching out to members who are facing domestic violence at home continues this tradition. By bringing domestic violence issues to the bargaining table when negotiating for employee benefits, security services, non-discrimination in hiring and more, unions offer a great service to their members. Properly training union stewards to assist employees when domestic violence comes to the workplace is another way unions can help. There are special actions, however, that unions can take for their members. Educating and supporting all members can make life easier for all union members trying to escape from abuse.

Follow up questions

- Is domestic violence education part of our training for union stewards?
- Do we include issues relating to domestic violence in our discussions when negotiating contracts?
- What services and materials do we offer our members with domestic violence concerns?

Notes

“I had a co-worker who went through it, too, and was very supportive.”

— a survivor



AFSCME District Council 37 (New York City)

Notes

Hope and Help for Abused Women: A Legal and Social Work Program at District Council 37's Municipal Employee Legal Services Plan (MELS)

At District Council 37's Municipal Employee Legal Services Plan (MELS), there is a rare and comprehensive service program for union members who are victims of domestic violence. This program is delivered via the union's legal and social-work service benefit.

DC 37 is known for developing key services for its members. In 1977, it launched a landmark legal benefit with a unique social work component, known as the DC 37 Municipal Employees Legal Services Plan (MELS). MELS offers union members a wide variety of free legal services in civil matters. Social work services are an integral and crucial part of this benefit package, especially with respect to domestic violence. Members coming to MELS can get legal and related social work help for such matters as divorce, separation, debt, evictions and preparation of wills.

In conceiving the program, social work staff documented that one out of every two women who sought help with separation or divorce suffered emotional and/or physical abuse.

Since 1981, legal and social work assistance has been available to union members in matters relating to spouse abuse. In 1996, MELS lawyers counseled close to 300 members needing assistance with orders of protection, and represented approximately 250 of them in court. MELS social work staff assisted many of these same members on related personal matters, including such pressing issues as safety arrangements, housing relocation, family and job problems, and extreme emotional distress.

Union members at DC 37 also receive domestic violence services through the Union's Health and Security Plan's Personal Service Unit (PSU). PSU help members who are victims of domestic violence with crisis-intervention, referrals for community services, help with job jeopardy issues, leaves of absence, and short-term supportive therapy. If the union member seeking assistance at PSU wants help with obtaining an Order of Protection, she is referred to MELS for legal and social work assistance.

How MELS Works

Mary, a municipal office worker, has two small children and she comes to MELS because she has been threatened and hit by her husband, with whom she is still living. The lawyer who interviews her suggests going to Family Court for an order of

protection. But Mary is frightened, and unsure about what to do. She is also worried about her children, and about her safety at home and on the job, and agrees to meet with a social worker to discuss her fears and concerns.

Mary tells the social worker of the terror and embarrassment she feels, and of her financial concerns. She fears for her well-being and for the children's safety. She also feels very isolated and has difficulty concentrating at work. She has many job absences and late arrivals, but she is reluctant to talk about her troubles with anyone at work.

In a caring and confidential environment, the social worker supportively helps Mary sort out her feelings. Priority is given to establishing safety measures to minimize the risk of harm to her and her children. The social worker helps Mary assess her strengths and possibilities. Together they set realistic goals based on Mary's individual situation and wishes regarding what steps she wants to take, and what changes she wants to make. The social worker puts Mary in touch with a variety of needed union and community resources. A union representative also helps Mary communicate with the personnel department at her job site about her situation.

Eventually, Mary agrees to obtain an order of protection. The MELS lawyer accompanies and represents her in Family Court, and social work services continue as needed thereafter.

Domestic violence services are provided to members in a variety of ways. For most of the battered women in need, the combination of a lawyer and a social worker, collaborating to provide services, is a powerful and exceptionally helpful resource. Most typically, the social services provided include crisis intervention, safety planning, supportive counseling to the members and their children, financial assistance, housing relocation, referrals, and union and community services (e.g., battered women's shelters). The social worker may also work closely with the union representative to work out job-related issues, including a possible work-site transfer for safety reasons, when needed.

Training was arranged to familiarize staff with the particular needs and problems of victims of domestic violence, especially with respect to women who suffer from post-traumatic stress and victimization syndrome. In addition to assistance to individual members, MELS social work staff offers group services for battered women. The support of other women in similar situations has been extraordinarily helpful and instrumental in assisting women cope with the emotional trauma and humiliation that physical abuse invariably causes. Staff also provide services to victims' children, who are understandably frightened and pained by the family violence they have witnessed.

Domestic violence services are provided to members in a variety of ways. For most of the battered women in need, the combination of a lawyer and a social worker, collaborating to provide services, is a powerful and exceptionally helpful resource.

Legal Issues for Employers



Author:

*Julie Goldscheid, Esq.,
NOW Legal Defense and
Education Fund*

Consultants:

*Thomas E. Blake, Yurko
and Perry, P.C., Evan Fray-
Witzer, Esq., Yurko & Perry,
P.C., Donna Norton, Esq.,
Family Violence Prevention
Fund, Robin Runge, Esq.,
Employment Law Center*

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General Issues of Compliance

Employers increasingly are recognizing that addressing the impact of domestic violence on the workplace is a legal requirement as well as a good business practice. Domestic violence may raise legal issues in various circumstances. For example, a batterer may stalk or assault his partner or others in the workplace. Slightly different issues arise if the batterer as well as the battered woman may both work for the same employer. In other cases, an employer may be aware of a risk that a batterer may target his partner at work. A woman may ask for time off, or for a transfer, to enable her to cope with, or leave, a battering relationship. Sometimes, battered women are subjected to adverse job consequences in the event they disclose their status to their employers.

Several bodies of law, including anti-discrimination laws and common law, address violence in the workplace, including domestic violence. Generally, these laws require employers to take reasonable prompt and effective remedial or preventive actions in response to acts or threats of violence or to known risks of violence in the workplace. Occupational safety and health laws generally require employers to maintain a safe workplace, which may include a violence-free workplace. Family and medical leave laws may require employers to grant leave to employees who are coping with domestic violence situations. Victim assistance laws may prohibit employers from taking adverse job actions against women who take time off from their jobs to attend court appearances. For women who have had to leave their jobs due to domestic violence, unemployment laws may provide benefits.

Federal and state laws are rapidly changing to reflect our country's deepening commitment to ending all forms of violence against women. For example, in 1994, Congress enacted the Violence Against Women Act (VAWA)¹, which launched multi-strategic initiatives to eliminate violence against women, including domestic violence. VAWA authorized funding to increase services, education, and research addressing domestic violence, rape and sexual assault, created new federal felonies, and included an historic provision declaring that all citizens have a civil right to be free from gender-based violence. Other federal legislation has been introduced, and will continue to be introduced, that specifically address the impact of domestic violence on the workplace. For example, proposals authorize leave for battered women, require states to permit women who have left their jobs due to domestic violence to obtain unemployment benefits, prohibit employers from taking adverse job actions against women who have survived domestic violence, rape or sexual assault, create tax incentives for employers who implement domestic violence awareness training programs, and make employers

liable to victims for employers' role in gender-motivated crimes that occur at work.

Similarly, over the last decade, state initiatives combating violence against women, including anti-stalking and domestic violence laws, have expanded². Some of these laws specifically address the impact of domestic violence on the workplace³. Additionally, companies on their own are recognizing the benefits of helping their employees deal with the effects, as well as the facts, of violence.

This section of the *Resource Manual* is a brief overview of the broad range of federal and state anti-discrimination laws, tort laws (including negligence laws), and other federal and state statutes that can apply when violence against women enters the workplace.

When Domestic Violence Creates a Hostile Work Environment

Under certain circumstances, acts of violence against women may constitute a form of sexual harassment, which may violate federal or state anti-discrimination laws⁴. Sexual harassment may include workplace rape and sexual assault. It can involve domestic violence, for example, when intimate relationships between co-workers become violent and abuse is brought into the workplace.

Generally, employers can be liable if supervisors or high-level employees make promotions or job security contingent on sexual favors, or if the company knew or should have known about a severe or pervasive sexually hostile environment that interferes with an individual's work performance and fails to take action to stop it. For example, the Supreme Court's landmark 1986 decision outlawing sexual harassment, *Meritor Savings Bank v. Vinson*, involved the bank's liability for a supervisor's repeated unwelcome sexual advances toward, and the sexual assaults of, a female employee⁵. This caselaw could apply to a domestic violence situation in the case where two co-workers have or have had a dating or marital relationship.

Companies may also be liable for sexual assaults by co-workers or customers if a manager knew or should have known about assaults or potential assaults that created a "hostile environment" and failed to take appropriate action⁶. Even a single instance of rape or sexual assault on the job may be enough to hold an employer liable for resulting damages⁷.

Whether an employer is liable for any given incident of domestic violence at work will depend on the facts of the case. For example, courts will evaluate whether an employee used the authority his employer vested in him to commit the assault in



determining if the employer is liable for his assault. Likewise, courts will evaluate whether assaults by co-workers, customers or other strangers to the workplace were severe or pervasive enough to create a hostile environment. Courts will analyze whether the company knowingly failed to take steps to stop it.

In all instances, employers increase the safety of their workplaces and reduce their liability by taking reasonable steps to prevent or stop problems once they know of them. Ignoring threatened violence or hoping that recurring problems of sexual assault or harassment will go away will not make the problem disappear, and will not insulate employers from liability should violent incidents occur⁸.

Anti-Discrimination Laws Apply to Acts that Arise Out of Domestic Violence

Employers' obligations under anti-discrimination laws apply regardless of the relationship that may exist outside the workplace between the perpetrator and the victim. For example, an employee may work with her abusive partner or former partner, who may continue to sexually harass or stalk her on the job. A company may be liable if the harassment creates a hostile environment and it knowingly fails to take action to stop the abuse⁹.

Even if a woman's abusive partner does not work at her company, her employer may be liable if the abusive partner creates a hostile environment at her workplace. For example, liability could result if a harasser shows up at the workplace and harasses a woman or her co-workers in a way that creates a sexually hostile work environment, and the company knowingly fails to take reasonable corrective action, such as informing security personnel of the problem and instructing them to take appropriate steps.

Prevention and Prompt Remedial Action

Although employers sometimes fear that they will expose themselves to added liability by volunteering to take action to prevent or remedy domestic violence, it is much more likely that an employer would instead face liability due to inaction. As one court has noted, "No inference of guilt can be drawn from awareness of one's legal obligations; to do so would be to promote the ostrich over the farther-seeing species"¹⁰. Companies can best promote workplace safety and avoid liability by taking prompt and effective remedial action as quickly as possible after learning about a potentially

violent situation¹¹. In responding to employees' complaints, employers must ensure that women are not additionally penalized after being battered by being subjected to adverse job consequences¹². For example, a woman who complains of violence at the hands of a co-worker should not be forced to change her job assignment, although her voluntary request to be transferred should be honored wherever possible¹³. A company could face liability if violence resulted after a supervisor refused to transfer a batterer from the department where his victim worked to an available position in a different part of the office.

Women may ask their employers for help in assuring their safety. For example, in order to avoid working with her batterer, a woman might:

- ◆ ask for a transfer
- ◆ ask to have the batterer transferred
- ◆ request a transfer so that an abusive partner she has left can no longer find her
- ◆ ask the company's security staff to enforce an order of protection and make sure her batterer or stalker does not enter the workplace.

Women may also ask for time off to go to the doctor or to go to court. Employers should to attempt to accommodate employees' safety-related requests.

The Americans with Disabilities Act

(This section is adapted from The Law at Work Series, "Domestic Violence and Work: An Introduction to the Americans with Disabilities Act." Copyright © 1997 by the Legal Aid Society of San Francisco/Employment Law Center)

An employee who has a disability due to domestic violence may not be terminated because of her disability and may be entitled to reasonable accommodations under the Americans with Disabilities Act ("ADA")¹⁴. Under the Americans with Disabilities Act of 1990, employers with 15 or more employees cannot discriminate against a qualified individual with a disability¹⁵. An employee with a disability who is able to do the essential functions of the job cannot be harassed, demoted, terminated, paid less, or mistreated because of her disability.

An individual with a physical or mental impairment that "substantially limits" a "major life activity" is disabled under the ADA¹⁶. An impairment is "substantially limiting" if it significantly restricts the manner in which an individual can perform the major life activity, compared to the average person in the general population¹⁷.

“Major life activities” under the ADA include lifting, walking, working, seeing, hearing, speaking, concentrating, thinking, and sleeping.

Employees who are dealing with domestic violence may experience permanent mental and/or physical disabilities including depression, post-traumatic stress disorder, back pain, and loss of hearing or sight due to repeated blows to the head, neck, and face¹⁸. An employer may be required to provide a reasonable accommodation to a qualified disabled employee to enable her to perform her job¹⁹. Reasonable accommodations are adjustments or modifications made to a job or the workplace to enable an employee to successfully perform the position’s basic duties²⁰. A reasonable accommodation does not change the basic duties of the job, and may not be unduly costly or disruptive for the employer²¹.

What constitutes a reasonable accommodation for a particular employee will depend upon the facts of the situation, including the type of job and the nature of the workplace. A reasonable accommodation for an employee with post-traumatic stress disorder caused by domestic violence might include: time away from the office for appointments with doctors, part-time work, additional training or supervision, a transfer or an unpaid medical leave.

The Family and Medical Leave Act

(This section is adapted from The Law at Work Series, “Domestic Violence and Work: Taking Family/Medical Leave for a Family Member” and “Domestic Violence and Work: Taking Family/Medical Leave to care for Your Own Health Condition.” Copyright © 1997 by the Legal Aid Society of San Francisco/Employment Law Center)

An employee who needs to take time off from work to seek medical attention for a serious health condition suffered by her or her children resulting from domestic violence may be entitled to job protected leave under the federal Family and Medical Leave Act (“FMLA”). The federal Family and Medical Act permits eligible employees who work for covered employers to take up to twelve weeks of unpaid leave for a variety of reasons, including caring for a spouse, child or parent with a serious health condition or to care for an employee’s own serious health condition²². If a business employs 50 or more employees for each working day during each of the 20 or more calendar workweeks in the current or preceding calendar year, it is covered by FMLA²³. In order to qualify for family and medical leave, an employee must have worked for the employer for at least 1,250 hours in the twelve months preceding the date of leave and at least one year²⁴.

- ◆ refuse to hire or promote an employee because she has taken or will take family and medical leave
- ◆ retaliate against an employee for requesting a family and medical leave or for complaining about a violation of family and medical leave³⁰.

The obligation of an employer to comply with any collective bargaining agreement or any employment benefit program that provides greater family or medical leave rights than the rights established under FMLA is not limited by FMLA. Moreover, the rights established for employees under FMLA are not limited by any collective bargaining agreement or any employment benefit program or plan.

State Law Remedies

Traditional common law principles require companies to maintain a safe workplace. When threats of or actual assaults occur at work and companies fail to take preventive or remedial steps, employees may be able to recover damages under state workers' compensation laws or may be able to pursue tort claims against their employers in state or federal court.

Several states, including California, have passed family and medical leave laws with similar guaranteed-leave provisions and job protections³¹. Any state or local law that provides greater family or medical leave rights than the rights established under FMLA preempts FMLA³².

Workers' Compensation

Workers' compensation provides no-fault, generally-exclusive coverage for work-related injuries as defined by each state's laws; the amount of recovery is limited by state statute. Some women and their families have recovered workers' compensation awards for injuries resulting from sexual assaults, rapes, and murders that occurred at work, whether they were committed by a supervisor, a customer, or an intimate partner who tracked her on her job³³. Where injuries are found to be exclusively covered by workers' compensation, employees are not permitted to bring negligence claims against their employers in court and are limited to the damages available under the state workers' compensation statute.

Workplace Rapes and Assaults

Exceptions in workers' compensation laws in about half the states allow women to pursue tort claims against employers for damages resulting from violent incidents such as rape and sexual assault³⁴. In addition, a number of courts have refused to restrict a woman's recovery to the more limited amounts generally available under workers' compensation laws, holding instead that workers' compensation statutes only apply when the employee's status as an employee precipitated the attack or rape. Thus, if an assault or rape is found to be committed for "personal" reasons (i.e. the victim knew her attacker), workers' compensation may not apply³⁵.

Where workers' compensation does not limit recovery, women may pursue state tort claims for their employers' role in the violence. For example, employers may be liable for rapes and sexual assaults if the perpetrator used the employer's actual or apparent authority to commit the attack³⁶. A company also may be liable for its failure to take prompt and remedial action once it knew or should have known of the risk of the attack³⁷.

Negligent Hiring or Retention Liability

An employer also may be liable for negligently hiring or retaining an employee who later injured someone in the course of the job. Some courts have held companies liable when they knew or should have known that the employee might commit a violent act or when they could foresee that the employee, through his employment, would create a risk of danger³⁸. For example, one court found that an employee's record (sexual harassment of female co-workers, threats to male co-workers, and sexual advances and threats to the female employee he ultimately shot) made it foreseeable that he could act violently and created a duty of care by the company to take steps to prevent further harm to the employee he ultimately shot and killed³⁹.

In responding to complaints that their employees committed violent acts, however, company officials must take care not to violate other legal obligations nor the rights of the accused. For example, in many jurisdictions, companies may not discriminate against employees who have criminal records unless the decision against the employee was based on job-related factors⁴⁰. In this area, knowledge of relevant local laws is essential.

Retaliation

Although most employees are “employees at will,” and generally can be terminated for any reason, the “employment at will” doctrine has an exception that is recognized in nearly every state. Under the exception, employers cannot fire employees for reasons that violate established public policy, for example, if the employee exposed the company to fraud or wrongdoing⁴¹.

The exception varies widely from state to state, and has not been construed specifically to cover employers’ responses to domestic violence⁴². However, this area of the law is likely to develop as national public policy addressing all forms of violence against women becomes even more firmly embedded in the law, and legislators increasingly recognize that it violates public policy to penalize women because they have experienced domestic violence.

Additional Laws

Occupational Safety and Health Laws

Federal and state occupational safety and health laws require employers to make sure their employees work in safe environments. The federal Occupational Safety and Health Act of 1970 (OSHA) contains a “general duty clause” that requires every employer to provide a workplace free from recognized safety hazards⁴³. State laws impose similar requirements.

OSHA’s general duty clause recently has been interpreted to require employers to take reasonable steps to protect workers from violent attacks in the workplace. Some employers have been fined for risk that resulted from failing to take adequate security measures⁴⁴.

Unemployment Compensation

Women who have left their jobs as a result of domestic violence may be eligible for unemployment benefits in some states if they can prove that they left their jobs for “compelling” reasons that constituted “good cause”⁴⁵.

Victim Protection Laws

Several states have enacted laws encouraging employers to assist women in attending to their legal and medical needs and in pursuing claims against batterers. For example, New York requires employers to grant leave to employees to attend court appearances⁴⁶. Both Alaska and Pennsylvania prohibit employers from penalizing women who take time off to testify in criminal court proceedings⁴⁷. In addition, several states promote “employer intercession services” for victims of domestic violence and sexual assault, through which employers encourage employees to cooperate with the criminal justice system and agree to minimize employees’ loss of employment benefits⁴⁸.

**Portions of this chapter originally appeared as “Legal Issues for Employers” in: The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change. Copyright © 1996 by NOW Legal Defense and Education Fund. (NOW-LDEF, 99 Hudson Street, New York, NY 10013, Tel. 212-925-6635)*



Chapter Summary

Aside from the safety, ethical and bottom-line incentives to employers in developing positive policies regarding employees facing domestic violence, there are liability issues to consider. Some federal, state and local laws may mandate certain actions and policies on the part of an employer, including anti-discrimination laws, the Americans with Disabilities Act and the Family and Medical Leave Act. Prompt and proper compliance and reasonable accommodations can reduce the risk of employer liability for harm that may come to an employee from domestic violence. When employers understand and meet those obligations voluntarily and fully, they will be helping to end the epidemic of violence against women in our country.

Notes

Follow-up Questions

- How do we make sure that supervisors understand and comply with all federal, state and local laws?
- How do we respond to a threat of domestic violence at the workplace? Does our response constitute reasonable corrective action?
- Do our personnel policies allow for employees to take time off for personal safety reasons?
- Do we make reasonable accommodations for employees who have disabilities due to domestic violence?
- Do our supervisors understand how our sexual harassment policy applies in cases of domestic violence between co-workers?
- How do we inform our supervisors about compliance with laws as they may apply to domestic violence situations, including requests for reasonable accommodations, time off, transfers, leave and other issues?

Case Study: Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.

Mintz, Levin, Cohn, Ferris, Glovsky & Popeo (“Mintz Levin”), is a law firm with offices in Boston and Washington, D.C. For over 60 years, Mintz Levin has worked to create and maintain a workplace of diversity and tolerance, and to serve the community as well as clients. In 1990, the firm created the Mintz Levin Domestic Violence Project to provide free legal representation to victims of domestic violence. In 1994, Mintz Levin decided to expand its community service and domestic violence commitment and, in 1995, it hired a full-time Director of Community Service. Mintz Levin chose a three-pronged approach for its efforts against domestic violence: (1) public policy issues on a national level; (2) state and local efforts; and (3) an internal focus within the firm.

Mintz Levin provides all employees with information on domestic violence resources; employees receive free legal assistance on domestic violence issues; all supervisors receive domestic violence training; the firm maintains a Family Violence Human Resource Policy. In addition, employees at all levels are encouraged and supported to volunteer in domestic violence related community service activities.

Through its state and local efforts Mintz Levin attorneys, paralegals and project analysts have provided pro bono legal assistance to over 100 clients. They have represented battered women in appellate matters before the Massachusetts Supreme Judicial Court and have filed briefs *amici curiae* in both federal and state courts. Mintz Levin has also worked towards enactment of legislation that affords greater protection to victims of domestic violence. The firm also provides pro bono assistance to several battered women’s shelters and service organizations. Through the Polaroid CEO Project, Mintz Levin partnered with the Elizabeth Stone House (an alternative mental health and battered women’s shelter) and has established a mentoring program for women interested in starting their own business; provided legal support for women seeking restraining orders; funded self-defense classes for women at a transitional housing unit; organized community service days; held furniture drives; raised money for a new roof and children’s programs through silent auctions and other firm events; donated computers, museum passes, books, clothing and food; and assisted with a corporate fundraising campaign.

Mintz Levin is affiliated with the National Network to End Domestic Violence providing office space, administrative and organizational support as well as writing amicus briefs regarding the confidentiality of records of battered women and rape crisis



service providers. Other national efforts include participation in the National Workplace Resource Center (a project of the Family Violence Prevention Fund) and liaison to the American Bar Association’s Commission on Domestic Violence.

Mintz Levin strives to develop programs which are collaborative. These efforts include bringing together local domestic violence advocates with America OnLine to develop a domestic violence resource area on the country’s largest consumer online service. The firm also serves as a catalyst for Employers Against Domestic Violence, a collaborative effort among over 25 Massachusetts businesses. Mintz Levin strives to develop programs which are non-discriminatory and which reach under-served populations. For example, Mintz Levin works with The Same Sex Domestic Violence Coalition in Massachusetts and local businesses to develop a grassroots educational outreach program to reach the gay and lesbian communities. Mintz Levin has received recognition by its state coalition, the Massachusetts Bar Association and Governor’s office. Finally, the firm hopes to provide by its example, leadership within the business and legal community.

ENDNOTES

- 1 2 U.S.C.A. § 13981 (1995). Congress thus recognized that gender-based violence is a civil rights violation, much like sex based on race or religion and like workplace discrimination. See, e.g., 42 U.S.C. §§ 1983, 1985(3), 2000e (1994).
- 2 Summary of recent state initiatives, see Harvard Law Review Ass’n, Developments in the Law: Legal Responses to Domestic Violence, 106 Harv. L. Rev. 1498 (1993); Catherine F. Kleid & Leslye E. Orloff, Providing Legal Protection for Battered Women: Analysis of State Statutes and Caselaw, 21 Hofstra L. Rev. 801 (1993). See also National Inst. of Justice, Domestic Violence, Stalking, and Antistalking Legislation: Annual Report to Congress (Mar. 1996).
- 3 e.g., Me. Rev. Stat. Ann. Tit. 26, sec. 1193 (A)(4)(prohibiting battered women who left their jobs due to domestic violence from being disqualified from unemployment insurance); NY. Penal Code § 215.14 (requiring employers to permit employees to leave to participate in criminal proceedings); Calif. Code of Civ. Proc. § 0527.8 (permitting corporations to obtain protection on behalf of employees).
- 4 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 20003e *et seq.* (1994) (as amended) (“Title VII”), prohibits sexual harassment as other forms of discrimination in the workplace. See Harris v. Forklift Sys., Inc., 510 U.S. 17, 20 (1993); Meritor Sav. Bank v. Wainwright, 477 U.S. 57, 73 (1986). Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88 (1994), prohibits sexual harassment in schools, including sexual harassment of school employees. See Franklin v. Gwinnett County Pub. Sch., 503 U.S. 60, 75 (1992). Most states have anti-discrimination laws that similarly prohibit sexual harassment and sex discrimination. Public employers can also be liable under laws prohibiting illegal acts by public officials. See 42 U.S.C. § 1983 (1994).

ENDNOTES

- 5 Meritor, 477 U.S. at 73. See also 29 C.F.R. § 1604.11(C) (1995) (EEOC sexual harassment guidelines).
- 6 See, e.g., Burns v. McGregor Elec. Indus., Inc., 989 F.2d 959, 961 (8th Cir. 1993) (employer liable because it knew of co-worker harassment and “used it to further his own harassment” rather than stopping it); Hall v. Gus Constr. Co., 842 F.2d 1010, 1016 (8th Cir. 1988) (unwanted touching and offensive comments by co-workers); Menchaca v. Rose Records, Inc., 67 Fair Empl. Prac. Cas. (BNA) 1334, 1337-38 (N.D. Ill. 1995) (employee harassed by employer’s customer); Powell v. Las Vegas Hilton Corp., 841 F. Supp. 1024, 1027-28 (D. Nev. 1992) (employee harassed by employer’s customer); see also 29 C.F.R. § 1604.11(d), (e) (1995) (EEOC guidelines addressing employers’ liability for sexual harassment by co-workers and customers, respectively).
- 7 See, e.g., Al-Dabbagh v. Greenpeace, Inc., 873 F. Supp. 1105, 1111-12 (N.D. Ill. 1994); Huitt. v. Market Street Hotel Corp., 62 Fair Empl. Prac. Cas. (BNA) 538, 543 (D. Kan. 1993); see also Radtke v. Everett, 501 N.W.2d 155, 168 (Mich. 1993) (single incidents of rape and sexual assault may be sufficiently traumatic to violate Michigan Civil Rights Act); cf. Brock v. United States, 64 F.3d 1421, 1423 (9th Cir. 1995); Simon v. Morehouse Sch. of Medicine, 908 F. Supp. 959, 969-70 (N.D. Ga. 1995).
- 8 See, e.g., Jonasson v. Lutheran Child and Family Services, 115 F.3d 436, 438 (7th Cir. 1997) (“The jury was entitled to conclude that the incidents for which damages could be awarded were the product of a long term ostrich-like failure on the part of [the employer] to deal forthrightly with ... [the] treatment of female employees.”).
- 9 See, e.g., Fuller v. City of Oakland, 47 F.3d 1523, 1529 (9th Cir. 1995) (holding city liable for failing to take steps to stop a police officer from harassing another officer after she ended their relationship).
- 10 Barnhart v. Mack Trucks, Inc., 1995 U.S. App. LEXIS 9004, *11 (7th Cir.).
- 11 See, e.g., Gary v. Long, 59 F.3d 1391, 1398 (D.C. Cir. 1995) (finding that the employer had taken “energetic measures” to discourage harassment); Trotta v. Mobil Oil Corp., 788 F.Supp. 1336, 1351 (S.D.N.Y. 1992) (finding no liability when company responded and took effective remedial measures); cf. Kauffman v. Allied Signal, Inc., 970 F.2d 178, 184 (6th Cir. 1992) (a “less flawed” sexual harassment policy might have prevented liability).
- 12 See Gilardi v. Schroeder, 833 F.2d 1226, 1233 (7th Cir. 1987) (upholding Title VII claim by woman who was raped by employer and then fired); Al-Dabbagh, 873 F. Supp. at 1110-11 (upholding Title VII claim by woman who was raped by a co-worker and claimed that she was forced to quit because of the rape).
- 13 In sexual harassment cases, companies have been held liable when they transferred a woman who complained of sexual harassment rather than transferring the harasser. See, e.g., Steiner v. Showboat Operating Co., 25 F.3d 1459, 1464 (9th Cir. 1994); Intlekofer v. Turnage, 973 F.2d 773, 780 n.9 (9th Cir. 1992).
- 14 42 U.S.C. § 12101 *et seq.*
- 15 42 U.S.C. § 12111, § 12112.



ENDNOTES

- 16** Id
- 17** 42 U.S.C. § 12102(2).
- 18** The fact that a woman has survived domestic violence itself would not constitute an impairment.
- 19** Id
- 20** Id
- 21** Id
- 22** Family Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654, 29 U.S.C. § 2612(a)(1)(D), 29 C.F.R. § 825.200(a)(4).
- 23** 29 U.S.C. § 2611(4)(A)(i).
- 24** 29 U.S.C. § 2611(2)(A).
- 25** 29 U.S.C. § 2611(11).
- 26** 29 U.S.C. § 2612(a)(1)(C), 29 C.F.R. § 825.116.
- 27** 29 U.S.C. § 2614(a)(1)(B).
- 28** 29 U.S.C. § 2614(c)(1).
- 29** 29 C.F.R. § 825.300; 301(a)-(c); 29 C.F.R. § 825.301(c)(1)-(8).
- 30** 29 U.S.C. § 2615(a).
- 31** California Family Rights Act (Moore-Brown-Roberti Family Rights Act of 1993) Gov. Code § 12945.2.
- 32** 29 U.S.C. § 2652(b).
- 33** See Williams v. Munford, Inc., 683 F.2d 938, 940 (5th Cir. 1982); Lui v. Intercontinental Hotels Corp., 634 F. Supp. 684, 688 (D. Haw. 1986); Murphy v. Workers' Comp. Appeals Bd., 86 Cal. App. 3d 996, 1002 (Ct. App. 1978); Rogers v. Aetna Cas. & Sur. Co., 173 So. 2d 231, 237 (La. Ct. App. 1965); cf. Cremen v. Harrah's Marina Hotel Casino, 680 F. Supp. 150, 156 (D.N.J. 1988) (providing workers' compensation coverage for negligence claims arising out of sexual assault by supervisor, but permitting plaintiff to pursue state claims for battery and intentional infliction of emotional distress).
- 34** See Barbara Lindemann & David D. Kadue, Sexual Harassment in Employment Law 585 nn. 93, 94 (1992) (listing ten states with "intentional tort" or "intentional wrong" exceptions to workers' compensation laws); Jane Byeff Korn, The Fungible Woman and Other Myths of Sexual Harassment, 67 Tul. L. Rev. 1363, 1380 n.94 (1993) (listing cases).

ENDNOTES

- 35** See, e.g., Johnson v. Motel 6, 1996 Minn. App. Lexis 1279 (and cases cited therein).
- 36** See, e.g., Gilstrap v. Amtrak, 998 F.2d 559, 562 (8th Cir. 1993) (rape of passenger by railroad employee); Cremen, 680 F. Supp. at 156-57 (sexual assault by supervisor); see also Lyon v. Carey, 533 F.2d 649, 655 (D.C. Cir. 1976) (jury question whether employer was liable for sexual assault by its truck driver).
- 37** See Restatement (Second) of Agency § 219(2)(b),(d) (1958).
- 38** See, e.g., Watson v. Bally Mfg. Corp., 844 F. Supp. 1533, 1537 (S.D. Fla. 1993) (holding employer liable for hiring and retaining an employee who sexually harassed plaintiff when it became aware of employee's unlawful acts and failed to take adequate protective steps); Oslin v. Minnesota, 543 N.W. 2d 408-, 415 (Minn. Ct. App. 1966) (upholding negligent supervision and retention claims when employer knew of harasser's propensity for harassment and failed to supervise him properly); Yunker v. Honeywell, Inc., 496 N.W. 2d 419, 424 (Minn. App. 1993) (finding employer owed a duty of care under theory of negligent retention to an employee who was killed by a co-worker when it became aware of incidents at work that demonstrated his propensity for violence and his threats to the woman); cf. Duffy v. City of Oceanside, 224 Cal. Rptr. 879, 884-885 (Cal. Ct. App. 1986) (finding a question of fact whether city acted reasonably in not notifying employee of co-worker's previous convictions for rape and sexual assault). See generally: Louis P. DiLorenzo & Darren J. Carroll, The Growing Menace: Violence in the Workplace, N.Y.St. B.J., Jan. 1995, at 24, 28.
- 39** See Yunker, 496 N.W.2d at 424
- 40** See DiLorenzo, *supra* note 15, at 25-27; John P. Furfaro & Maury B. Josephson, Workplace Violence, N.Y.L.J., May 5, 1995, at 3, 12.
- 41** By 1989, all states except Georgia, Vermont and Wyoming had recognized an exception to the employment at will rule for retaliatory discharges or discharges that violate public policy, such as firing an employee in retaliation for filing a workers' compensation claim, or for "whistle-blowing" on the employer's illegal conduct. See Janice Goodman, NELA Employee Rights Litigation: Pleading and Practice, § 603 at 6-46 et seq. (1992); see also *id.* at § 6.04 (state-by-state chart listing public policy exceptions). See generally Arthur Larson & Lex K. Larson, Employment Discrimination at §§ T118.22; T119.11 (1996).
- 42** See, e.g., Green v. Bryant, 887 F. Supp. 798 (E.D. Pa. 1995) (declining to recognize public policy exception to at-will employment doctrine for employee who was discharged because she was the victim of spousal abuse).
- 43** U.S.C. § 654(a) (1994).
- 44** See U.S. Dep't of Labor, Occupational Safety & Health Admin., Citation and Notice of Penalty, Inspection No. 109685750 (Lauderhill, Fl., Oct. 12, 1993) (apartment complex residents threats to building staff); U.S. Dep't of Labor, Occupational Safety & Health Admin., Inspection No. 10712203 (Bismark, N.D., Jan. 6, 1994) (assaults and threats to employees by group home residents); U.S. Dep't of Labor, Occupational Safety & Health Admin., Inspection No. 102992021 (Chicago, Ill., Sept. 22, 1993) (assaults by psychiatric hospital patients).



ENDNOTES

- 45** See, e.g., Me. Rev. Stat. Ann. Tit. 26, Sec. 1193 (A)(4); New York State Dep't of Labor, Report to the New York State Legislature on Employees Separated from Employment Due to Domestic Violence 4-5 (Jan. 15, 1996). For example, in deciding whether to award benefits, New York State considers factors such as 1) whether the claimant had a reasonable fear for his or her safety; 2) whether the claimant took reasonable steps to protect herself prior to separation; and 3) whether the claimant took reasonable steps to protect her job through discussions with her employer. See *id.* at 4. See also Advisory Council on Unemployment Compensation, Unemployment Insurance in the United States: Benefits, Financing, Coverage 114 (1995) (reporting that 31 states considered battered women who leave their jobs or are discharged as a result of domestic violence ineligible for benefits; 13 states consider such women eligible, while 9 sometimes consider such women eligible). See also Lindeman & Kadue, *supra* note 12, at Ch. 13 at 328 (outlining sexual harassment victims' eligibility for unemployment benefits).
- 46** See N.Y. Penal Code § 215.14.
- 47** See Alaska Stat. § 12.61.010(5) (1995); 18 Pa. Cons. Stat. § 4957(a) (1996).
- 48** See, e.g., Colo. Rev. Stat. § 24-4.1-302.5(1)(n) (1995); Ill. Rev. Stat. ch. 725, para. 4.5(5) (1995); Md. Ann. Code art. 27, § 761(8) (1995); Mass. Gen. L. ch. 258(B), § 5(e) (1996); Mo. Ann. Stat. § 595.212(6) (Vernon 1995); Neb. Rev. Stat. § 81-1848(2)(h) (1995); N.C. Gen. Stat. § 15A-825(4) (1995); N.D. Cent. Code § 12.1-34-02(6) (1995); Okla. Stat. Ann. tit. 19, § 215.33(7) (West 1996); R.I. Gen. Laws § 12-28-3(7) (1994); Utah Code Ann. §77-37-3(1)(g) (1995); Va. Code Ann. § 19.2-11.01(A)(3)(a) (Michie 1995); Wash. Rev. Code § 7.69.030(8) (1996); Wis. Stat. § 950.04(8) (1995).

Social Responsibility & Community Relations



Authors:

Barbara Marlowe, Mintz, Levin, Cohn, Ferris, Glowsky and Popeo, P.C., and Anne Menard, National Resource Center on Domestic Violence, Donna Norton, Esq., Family Violence Prevention Fund

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What Is Social Responsibility?

A national association of companies that promotes responsible practices in the business community, describes social responsibility as companies striving to “achieve long term commercial success by implementing policies and practices that honor high ethical standards and meet their responsibilities to all who are impacted by their decisions.” Socially responsible business practices, therefore, allow companies to “prosper in ways that contribute to a healthier, more sustainable economy and a more just society.”¹

Businesses are socially responsible for a lot of reasons. They feel an obligation to better the communities in which they operate. They benefit from an educated, safe and healthy pool of employees from which to draw. They want to attract the best employees, and know that potential workers admire and feel loyalty towards a company that has put a stake in their town. And employers know that, by and large, being a “good corporate citizen” enhances their public image.

Why Should Businesses Work to End Domestic Violence in Their Workplaces and Communities?

Domestic violence is an issue that dramatically affects both employees and the communities in which they live. Domestic violence can result in reduced productivity, increased medical expenses, absenteeism, and increased risk of violence at the workplace.

Domestic violence also has a devastating effect on the community as a whole. Children growing up in abusive homes are more likely to attempt suicide, commit crimes and abuse drugs and alcohol than children whose mothers are not battered. Domestic violence has also been strongly linked to poverty and homelessness; the majority of women on welfare are current or past victims of domestic violence.

Working to end domestic violence offers a unique opportunity for companies. Companies can help employees overcome the violence in their own lives, while strengthening the community as a whole. These efforts can only result in a greater potential workforce, today and tomorrow.

To be successful, any corporate involvement with the issue must take into account that domestic violence is a complex issue and is often linked to many other difficult problems in our society such as crime, substance abuse, health problems, lack of job training, and inadequate education. There are few easy solutions and to be the most helpful, corporate commitments must be realistic and include long term approaches.

**TAKE
ACTION!**

Who Can You Work With to End Domestic Violence?

There are more than 1,800 community-based domestic violence programs in the United States, providing a range of crisis intervention, advocacy, and support services, including over 1,200 emergency battered women's shelters. This "front line" activity is guided by the work of state domestic violence coalitions, which now exist in all fifty states.

These community-based programs and state coalitions have been extraordinary agents of social change, creating a new multi-layered network of services for women and their children and advocating for new laws and protections that recognize the unique safety and support needs of battered women and their children. They have also helped reshape public and political discourse on the issue on domestic violence. Public and private funding has been secured to underwrite this work, however, this funding currently does not adequately meet the need for services.

Before Reaching Out, Look Within: Your In-House Responses to Domestic Violence

The cornerstone of responsible business and labor involvement with the issue of domestic violence must begin within the organization on behalf of its own employees and members. Domestic violence can and does affect employees and members at all levels. Responsive and effective workplace policies should be in place before an organization moves into the public relations or community service arena of response to domestic violence. Once a business or labor organization makes a publicly visible commitment to domestic violence awareness and prevention, employees and members will come forward and ask for help with the violence in their own lives. The organization must, therefore, have the resources in place to help them, as well as the commitment to respond when domestic violence is identified.

For the Victim

Before reaching out to the community, promote awareness about domestic violence in your own organization. Information can be provided through employee/member communication programs, including newsletters, posters, safety cards in rest rooms and locker rooms, and training seminars. Reliable information about domestic violence and about local resources can be obtained through a nearby shelter, the state coalition on domestic violence, the employee assistance program, or from the National



Domestic Violence Hotline (1-800-799-7233, or TTY 1-800-787-3224). Remember that lesbians, gay men, and heterosexual men may be victims of domestic violence. Make sure that any educational materials are inclusive and list appropriate resources. Refer to Chapter One, Building a Supportive Environment for ideas, and see the appendix for materials you can order and make available to employees or members.

For the Batterer

It is important to provide educational materials designed to assist batterers self-identify, that provide telephone numbers of local resources where batterers can obtain help. It is easier for companies to recognize that employees may be victims of domestic violence than it is to accept that employees also batter. Employers can offer seminars on violence prevention and encourage employees to seek help if they are being abusive in their intimate relationships.

For Other Employers

One business leader talking to another about taking on the issue of domestic violence can often have a greater impact than any non-profit agency's appeal. Leaders reaching out to their peers can be one of the easiest — and most beneficial — steps a business or labor executive can take.

Educate your colleagues about the impact domestic violence may have on their business. Provide information at forums and professional meetings, and require or encourage your vendors to develop protocols for their own employees. Join together with other local businesses to develop educational programs for human resource and community relations professionals. Unions can join together on joint efforts aimed at union officials and shop stewards.

Creating Mutually Beneficial Partnerships

You can support the organizations working to end domestic violence in your community in many ways.

- ◆ They undoubtedly need financial assistance, as they generally rely heavily on individual and corporate donations.
- ◆ In-kind donations are often needed, in the form of computers, office supplies, food, toys, clothing and shelter.

See Chapter 2
pages 37-38
for information
on how to talk
to perpetrators

See Appendix
for sample
Workplace
Policy

- ◆ Pro bono services are another way to help. Does your company have legal expertise? Accounting? Building construction or repair? Printing? Management consulting?
- ◆ Volunteers may be useful to community agencies — Ask local domestic violence programs whether they need volunteer assistance with any of their programs.
- ◆ One of the most valuable contributions a company or labor union can make is to introduce community partners to influential contacts and associates. Helping to open doors previously closed to a non-profit agency is an invaluable contribution to its ability to network.
- ◆ Additionally, many large businesses have access to powerful lobbying networks that could prove invaluable to the enactment of legislation favorable for battered women. When the voice of business joins battered women, advocates, and service providers, law makers take notice.
- ◆ Contact your local domestic violence service agencies and ask them how you can help. They are sure to have many suggestions.

And what do you get in return? A lot. Down the line, you get a safer community, a stronger pool of workers from which to draw, and the knowledge that you are making the lives of your neighbors safer and free from violence. There are benefits you will feel right away, too. By forging partnerships with local agencies, you can help create a safety net for your employees. Experts in domestic violence may be willing to be a resource to your Employee Assistance Program, working with you to come to the aid of employees who seek help internally. They may be willing to come in and provide in-service trainings to your managers on how to respond to victims and batterers in the workplace, or to all your employees about what to do about domestic violence in their lives or the lives of their loved ones. And finally, working to end domestic violence in your community can only enhance your corporate image. Today, many potential employees and customers examine the “social responsibility” of the businesses they choose to support. An employer that takes a stand to support survivors of domestic violence is a company that cares about its community members — and employees and customers know it.

Working with the Non-Profit Sector

Nonprofit organizations, businesses, and labor unions have a lot to offer, as well as a lot to learn from, one another. Different cultural norms provide opportunities for growth, learning, and success.

Nonprofit and for-profit organizations exist for very different reasons, and the definition of success in joint projects is likely to be quite different for each organization.

- ◆ A business may want measurable outcomes and public relations events that mean a return on investment.
- ◆ A union may view success as increased services, better working conditions, and increased safety for its members.
- ◆ An advocacy organization might measure the success of a partnership by the size of financial contribution or may want to measure increased hope, incremental change in societal attitudes, and ‘murders prevented’.

These definitions of success will determine how an organization makes choices about the type of program it wishes to implement. For example, when faced with a choice between serving a client or planning a program for corporate volunteers, most advocates will choose client service. Therefore, it is critical to communicate openly from the start. Ask the domestic violence organization what they need before you start planning your program to help them.

Be aware that most non-profits operate on a shoe-string budget and do not have access to many of the backup support services that business takes for granted (e.g., access to photocopying, printing, clerical support, networked computer systems, email, fax machines). Non-profits may be unable to commit to or meet a fast ‘turn around time’ or an aggressive schedule that for-profits are used to. On the other hand, large businesses may feel that a community service project is moving too slowly and is not responding enthusiastically to their offer of help. Open dialogue, joint planning, and realistic expectations for all participants in a partnership can help avoid these potential pitfalls.

Corporate and Union Giving

Socially responsible businesses, foundations and unions interested in developing or expanding their grantmaking efforts to support domestic violence programs will find many opportunities to do so, even when the issue may not appear directly related to a funder’s stated priorities. For example, grantmakers can become knowledgeable about

how domestic violence relates to homelessness, poverty, crime, substance abuse, serious health problems, job development, and education. Once these connections are clearly understood, it becomes easier to improve and expand funding that takes into account the impact of domestic violence on women and children, and on our society as a whole.²

The Role Men Can Play

Historically, domestic violence has been viewed as a women's problem and, indeed, women were the first to address the problem by establishing services to victims and children. Although the first batterers' treatment program was established in 1977, it is only recently that men have assumed leadership roles to stop domestic violence. The emergence of male-led violence prevention programs geared towards boys and young men is an important component in breaking the cycle of violence.

Positive and powerful male role models are needed to counter stereotypes and to encourage men and boys to become involved to stop violence against women in their communities. The involvement of men in the business and labor communities is an effective strategy to bring attention to the problem and develop solutions. It is important to recognize that domestic violence is a 'human rights' issue which impacts everyone— men, women and children.

Leading the Way: Marshalls, Inc.

Marshalls, Inc. is an example of innovative leadership in a corporate response to domestic violence.



Most employers are familiar with the United Way. Every year, workers participate in organized United Way fundraising drives that raise critical funds for local community agencies. Marshalls — a leading off-price family retailer operated by The Marmaxx Group — supplements their United Way drives each year with a special program they call the Marshalls Domestic Peace Prize.

During the annual giving campaign, Marshalls associates are encouraged to donate to either the United Way or to the Domestic Peace Prize fund. Formed in partnership with the Family Violence Prevention Fund, the Peace Prize provides

Chapter Summary

Businesses and unions are positioned to have an impact on the community regarding domestic violence. High-ranking corporate and labor officials are looked upon by the public as leaders, and can have a tremendous impact on public opinion by breaking the silence around domestic violence and speaking out on behalf of their employees and members who have faced it.

Any organization's involvement in the issue of domestic violence must begin with an effort within the organization on behalf of its own employees and members. Responsive and effective workplace policies should be in place before an organization moves into the public relations or community service arena of response to domestic violence.

Partnerships with community agencies and programs — whether the involvement is philanthropic, volunteer-based, pro bono services, or merely the exchange of information — can enrich the community, as well as the employer and its workers.

Follow-up Questions

- What agencies or programs exist in our communities that address the problem of domestic violence?
- What pre-existing programs do we have in place from which these programs might benefit? (i.e. grantmaking, volunteer efforts, holiday toy or United Way drives, “adopting” an organization, etc.)
- Do the organizations that we support represent the diversity that exists in the community?
- Do we want to seek publicity for our community relations efforts?
- What is our policy or “mission statement” on social responsibility?
- If we have a corporate foundation, how do community organizations find out about it and apply?

Case Study: The Body Shop

In October 1995, (National Domestic Violence Awareness Month), The Body Shop launched its campaign to Blow the Whistle on Violence Against Women. This campaign, which has returned each October, is designed to raise awareness and take action to help stop the violence.

Internal Campaign:

The first action The Body Shop took in 1995 was to post local crisis numbers in every corporate office, warehouse and shop bathroom stall. This simple but significant step helps raise awareness of the issue and of available resources to all employees.

Before launching the public campaign in shops, The Body Shop ensured that each employee received comprehensive training on the issue. With the help of several national advocates, the Corporate Training Department created a 24-page manual which dispels myths about violence, explains the problem and its roots, confronts societal attitudes, and informs the reader how to get help and how each individual can be a part of the solution. The manual was distributed to each employee.

In addition, all employees attended a training meeting to build on the information from the manual. The meetings were held in The Body Shop's corporate offices and in each shop in the presence of a local expert who explained how violence against women was impacting the community. During the meeting, employees also viewed a training tape created by The Body Shop to support the campaign.

This comprehensive training not only served the critical function of raising awareness among employees, it also prepared them to bring the message to the public.

Public Campaign:

Throughout the year, The Body Shop's U.S. stores (nearly 300) distribute information on what to do if you are a victim or if you know a victim of violence against women. The information also provides a list of resources including the National Domestic Violence Hotline (NDVH). Each October, the campaign takes a bigger presence in each shop with information, discreet wallet cards listing crisis referral numbers, and fundraising merchandise displayed in a prime area of the store.

To raise funds and awareness, The Body Shop created a silver-plated whistle as a symbol of the urgent need to stop violence against women. Voices Against Violence, an exclusive 6-track music CD featuring popular contemporary female artists, is also

The Body Shop's position as a national retailer presents an opportunity to communicate a high-profile anti-violence message in a new arena: the shopping mall.

Appendix



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Council Members

CHAIR	Councilmember Peggy Bilsten, City of Phoenix
VICE-CHAIR	Tom Canasi, City of Tempe Social Services
Tom Ambrose	Phoenix Suns
William Arnold	City of Goodyear Mayor
Tracy Bame	Phelps Dodge Corporation
Harriet Barnes	Governor's Office for Domestic Violence Prevention
Jean Baxter	Judge, Glendale City Court
Mary Ellen Bradshaw	Arizona Public Health Association
Michael Branham	Arizona Criminal Justice Commission
Margaretta Brede Mathis	Fresh Start Women's Foundation
Jan Brewer	Maricopa County Board of Supervisor
Monalou Callery	Governor's Office for Domestic Violence Prevention
Michael Carey	Chief, Buckeye Police Department
Maggie Cathey	Gilbert Town Council, Vice Mayor
Jane Conder	Arizona Department of Public Safety (? alternate)
Dr. Dean Coonrod	Maricopa Medical Center
Sandy Cowen Miller	The Cowen Agency
Gene D'Adamo	The Arizona Republic
Sheila Day-Gerry	John C. Lincoln Hospital
Pat Dennis	City of Peoria Councilmember
David Easchief	Salt River Pima-Maricopa Indian Community
Susan A. Ehrlich	Supreme Court of Appeals, Division I
Paul Eppinger	Arizona Ecumenical Council
Mike Evans	Gilbert Town Council
Kathleen Ferraro	Arizona State University - Women Studies
Margararita V. Garcia	Guadalupe Town Council
David Goulet	City of Glendale Councilmember
Cmdr. Kim Humphrey	Arizona Regional Community Policing Institute
Roger Illingworth	Arizona Department of Public Safety
Vince Imbordino	Maricopa County Attorney's Office
Mary Lynn Kasunic	Area Agency on Aging, Region One
Loren Kirkeide	Salt River Project
Sanford Kravitz	Arizona Community Foundation
Linda Lacy	Department of Economic Security, Administration of Children, Youth and Families
Rev. Deborah Lerner	Paradise Valley United Methodist Church
Marie Lopez-Rogers	City of Avondale, Vice-Mayor
Cynthia Lukas	City of Scottsdale Councilmember

Jo Ellen Lynn	American Express
Preston McMurry	McMurry Publishing
Carolyn McBurney	3TV-KTVK
Laura Miller	Arizona Attorney General's Office
Karen O'Connor	Maricopa County Superior Court
Stephanie Orr	Center Against Sexual Abuse
Paul Oves	TOSCO Marketing Company
Rev. Fran Park	Northwest Valley Community Council
Janice Parker	Save the Family Foundation of Arizona
David Peterson	Arizona State Senate
Don Peyton	Phoenix Fire Department
Connie Phillips	Sojourner Center
Michelle Robson	Robson Communities
Angela Rodgers	Children's Action Alliance
Lawrence Sand Do	Maricopa County Department of Public Health
Frank Scarpati	East Valley Addiction Council
Joan Shafer	Mayor, City of Surprise
Marie A. Sullivan	Arizona Women's Education and Employment
Louie Tovar	Phoenix Police Department, Domestic Violence Unit
Margaret Trujillo	Value Options
Roberta Voss	Arizona House of Representatives
Mary Wambach	Arizona Coalition Against Domestic Violence
Kerry G. Wangberg	City of Phoenix Prosecutor's Office
Phillip Westbrooks	City of Chandler Councilmember

MAG Regional Plan on Domestic Violence Prevention & Early Intervention

WORKPLACE PROTOCOLS

As violence in the workplace continues to increase, the recognition that domestic violence is a serious workplace issue is beginning to take hold. A recent nationwide survey of corporate security directors revealed that 94% consider domestic violence as a “high security problem” at their companies.

(6) Develop and implement employer/employee domestic violence workplace protocols and policy manuals

Targets:

- ◆ Public sector employers
- ◆ Private corporations

Key Elements of Protocol:

- ◆ Adoption of a “Zero Tolerance” policy towards violence, including domestic violence
- ◆ Reporting guidelines for violent incidents or potential problems
- ◆ Reasonable security arrangements/safety procedures
- ◆ Administrative controls, i.e., Prohibiting employees from working alone and domestic violence awareness training and conflict resolution training
- ◆ Training for supervisors and managers
- ◆ Providing information on domestic violence in common areas, i.e., restrooms, lunchrooms, etc.
- ◆ Provisions for paid leave, benefit policies, and flex-time accommodations which will meet the particular needs of victims¹

For many victims of domestic violence, the workplace is no sanctuary since the threats, stalking and violence often follows them to work. The U.S. Justice Department estimates that in the 13,000 incidents of on-the-job violence each year, the victims know their attackers intimately. Domestic violence also negatively impacts employees work performance, raising health insurance costs, reducing productivity, and increasing

What is the Best Practice Recommendation?

What is the Rationale for Implementation?

absenteeism and turnover rates. A 1990 report from the Bureau of National Affairs estimated that domestic violence results in costs between \$3 and \$5 billion to U.S. companies. Businesses, while often recognizing the impact of violence in the workplace and the need to address it, in most cases have limited knowledge and lack specific policies about domestic violence.

Implementation of workplace domestic violence protocols will assist employers to comply with a variety of legal mandates which require them to provide a safe and healthy workplace, such as the general duty clause in the Occupational Safety and Health Administration standards; and the Violence Against Women Act (VARA) which now makes domestic violence a civil rights violation. In fact, employers who fail to provide for the safety of their workforce have been successfully sued in *Massic vs. Godfather's Pizza*, 844 F.2d 1414 (10th Cir. 1988), *Yunker vs. Honeywell*, 196 N.W. 2d 419 (Minn. App. 1993), and *Tepel vs. Equitable Life Assurance Society*. Additional suits are expected based upon violations of the civil rights protection in VAWA.

- ◆ Employers lack of knowledge as to the effects of domestic violence in their workplaces and their ability to positively impact and support their employees.
- ◆ Up-front costs for staff time to develop and implement protocols and policies, as well as train employees.
- ◆ Maricopa County Attorney's Office, Domestic Violence in the Workplace Protocol, December 1998.
- ◆ Local employers who care about the issue and are involved in The Governor's Office for Domestic Violence Prevention - One Voice Campaign.
- ◆ Major corporation protocols: Polaroid, Marshall's, Inc. and Liz Claiborne.
- ◆ The Corporate Alliance to End Partner Violence and the Family Violence Prevention Fund resource materials.
- ◆ State and local government efforts such as the State of Florida model workplace policy on Family Violence Prevention, "Workplace Responds to Domestic Violence" and the Spokane Domestic Violence Workplace Training Manual.

What are the Roadblocks to Implementation?

What are the Resources Available?

Who is Responsible for Implementation?

CEO's and top management of local businesses, Local governments, Chambers of Commerce, Business Associations, Arizona Department of Commerce, Corporate Alliance Against Domestic Violence, local United Ways, Governor's Office for Domestic Violence Prevention, Arizona Coalition Against Domestic Violence.

“Domestic violence is not something we can simply ignore. It is not just a family problem. It is a crime that is damaging to individuals and their families, as well as to the productivity in the workplace. We in corporate America cannot afford to stand on the sidelines if we hope to protect the well-being of our employees and the health of our company.”

Jerome Chazen, Chairman, Liz Claiborne, Inc.

BUSINESS ACTION PLANS TO ADDRESS WORKPLACE VIOLENCE

Specialists in workplace violence report that situations can be resolved far more easily and effectively when an action plan has been developed through a joint effort within a company or agency. Although there is no strategy that works for every situation, the likelihood of preventing violence and successfully resolving a violent situation is much greater if the company has planned ahead and trained its staff.

(7)Businesses develop a comprehensive action plan to assist victims and address workplace violence

Key elements include:

- ◆ Develop a cross-functional team to develop a Plan, including law enforcement
- ◆ Establish and implement a policy on violence, which specially addresses domestic violence
- ◆ Train Employment Assistance Program (EAP) staff, Human Resource Managers, management staff, security staff, and if possible employees
- ◆ Ensure EAP programs are responsive to victims of domestic violence
- ◆ Develop and distribute domestic violence materials to all employees on an ongoing basis
- ◆ Provide training and educational resources to all new employees
- ◆ Continual evaluation of company responsiveness to victims of domestic violence and prevention of potential workplace violence

What is the Best Practice Recommendation?

A policy on workplace violence which addresses domestic violence is just one element of a coordinated effort to ensure the safety of employees and provide support to victims. The success of the policy will depend on the development of a comprehensive action plan, which sets up mechanisms to assess potential violence hazards, implement different methods of minimizing or eliminating risks, and establish a post incident response to violence.²

In addition to protecting employers from costly lawsuits and increasing workplace productivity, a comprehensive workplace violence action plan will broaden public understanding of domestic violence issues and link services to victims who may not have come into contact with the legal or social service system.

- ◆ Lack of ownership/buy-in from businesses, resulting from denial among employers that violence is a serious workplace issue.
- ◆ Costs associated with staff time, funding for trainers, printed materials and having enough “trained” trainers to work with major employers to help design an appropriate action plan.
- ◆ Existing employee assistance programs which address domestic violence.
- ◆ Corporate Alliance To End Partner Violence’s CommuniKit, a tool to help companies implement an effective violence prevention education program.
- ◆ Trainers and resource materials from Arizona Coalition Against Domestic Violence and the Department of Economic Security, Community Services Administration.
- ◆ Recent efforts by local corporations such as American Express, Phelps-Dodge, and others.

Chief Executive Officers and top level management of local private businesses, Arizona Coalition Against Domestic Violence, Association of Human Resource Managers.

In a 1994 survey of senior executives of Fortune 1,000 companies, 66 percent of the respondents believed that a company’s financial performance would benefit from addressing the issue of domestic violence among its employers. Significant numbers of respondents said domestic violence has a harmful effect on their company’s productivity (49%), attendance (47%) and increases in insurance and medical costs (44%).

Women’s Work Program, Liz Claiborne, Inc., Survey conducted by Roper Starch Worldwide.

ENDNOTES

- 1 *Domestic Violence in the Workplace Protocol*, Maricopa County Attorney’s Office (December 1, 1998), pp. 1-9.
- 2 “Preventing Workplace Violence,” AFSME, www.afsme.org/afscme/wrkplace/vio108.htm, (March 1998).

What is the Rationale for Implementation?

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National and State Resources

24 Hour Crisis Hot lines (Toll Free)

LINEAS DE CRISIS (LLAMADAS GRATIS)

LAS 24 HORAS

National Domestic
Violence Hotline 1-800-799-SAFE(7233)

National Resource Center
on Domestic Violence 1-800-537-2238

(TTY) 1-800-553-2508

National Family
Violence Hotline 1-800-222-2000

AZ Coalition Against
Domestic Violence 1-800-782-6400
1-602-279-2900

Battered Women's
Justice Project 1-800-903-0111

(TTY) 1-612-824-8768
Child Protection Service 1-888-SOS-Child
1-888-767-2445

Health Resource Center
on Domestic Violence 1-888-Rx-Abuse(792-2873)

Child Help USA 1-800-422-4453

Parents Anonymous of
AZ Hotline 1-800-352-0528

Victim Rights and Witness
Assist Program 1-800-458-4911

CONTACTS

COMMUNITY NETWORK FOR ACCESSING SHELTER is a service that provides information about emergency shelters and transitional housing bed availability for victims of domestic violence as well as homeless individuals and families in Maricopa County. This call center operates 24 hours/day, 7 days/week. Participation in the project includes approximately 60 agencies, 35 of which will be on-line with CONTACTS. Spanish speaking operators and TTY capabilities are also available. CONTACTS is coordinated and overseen by the City of Phoenix Human Services Department. For more information please call 1-602-262-4520 or 602-256-4297.

SHELTERS AND SAFE HOUSES, SOME OFFERING 24 HR. ABUSE CRISIS COUNSELING/CASAS DE ASISTENCIA QUE OFRECEN CONSEJOS A VICTIMAS DE ABUSO LAS 24 HORAS.

Apache County

ADABI (Chinle) (520) 674-8314

New Hope Safe House (520) 337-4839

Cochise County

Forgach House (520) 458-9096

House of Hope(Douglas) (520) 364-2465

Coconino County

Another Way (Page) (520) 645-5300

Northland Family Help
Center (Flagstaff) (520) 774-7353

or (520) 774-1375

Gila County

Time Out (Payson) (520) 472-8007

Mothers & Children
Safehouse (MACS) (520) 425-3639

Graham/Greenlee Counties

Mt. Graham Safe House
(Safford) (520) 348-9104

(800) 786-7380

(888) 269-9104

La Paz County

Colorado River Regional
Crisis (Parker) (520) 669-0107

Maricopa County

Autumn House (Mesa) (480) 835-5555

Chrysalis (Phoenix) (602) 944-4999

Chrysalis (Scottsdale) (480) 481-0402

Crisis Nursery (Children) (602) 273-7363

Centro de Amistad (480) 839-2926

Chicanos Por La Causa (623) 247-0464

De Colores (Phoenix) (602) 269-1515

(602) 257-0700

Faith House (Glendale) (623) 939-6798

My Sister's Place (Chandler) (480) 821-1024

New Life Shelter (Litchfield) (623) 935-9161

New Beginnings Transitional
Home (Glendale) (602) 938-8660

Salvation Army	(602) 267-4130
Sojourner Center (Phoenix)	(602) 244-0089
Mohave County	
Kingman Aid to Abused People	(520) 753-4242
Lake Havasu Interagency Council	(520) 453-5800 (520) 855-8872
SafeHouse of Bullhead City	(520) 763-7233
Navajo County	
Tohdenasshai Shelter (Kayenta)	(520) 697-8591
White Mountain Safe House (Pinetop)	(520) 367-6017 (800) 224-1315
Safe Haven (Winslow)	(520) 289-5500
Apache Behavioral Health Center	(520) 338-4811
Pima County	
AVA Crisis Center	(520) 795-4880
Brewster Center (Tucson)	(520) 622-6347
Casa Amparo (South Tucson)	(520) 746-1501
Casa de Los Niños (Children)	(520) 624-5600
Open Inn (Tucson) youth 8-18	(520) 323-0200
Our Town Family Center (Crisis Hotline, children only)	(520) 323-1706
Salvation Army	(520) 622-5411
Shalom House (Tucson)	(520) 292-0648
Tucson Center for Women and Children	(520) 795-4266 (520) 795-4880
Pinal County	
Against Abuse - La Casa de Paz	(520) 836-0858
Behavioral Health Agency of Central Arizona	(520) 836-1688
Santa Cruz	
New Life Center Crossroads Nogales Mission	(520) 287-5828
Pager	(520) 377-4868
Yavapai County	
Villa de Fidelis (Prescott)	(520) 445-4673
Turning Point (Youths 6- 17 only)	(800) 628-3089 (520) 778-7900
Verde Valley Sanctuary	(520) 634-2511

Yuma County	
Safe House Shelter (office line)	(520) 782-0077
Safe House Shelter (crisis line)	(520) 782-0044

**DOMESTIC VIOLENCE COUNSELING
CONSEJERO DE VIOLENCIA DOMESTICA**

Each organization provides individual or group counseling for victims of domestic violence. Those marked “A” also offer counseling for abusers. *Cada organizacion ofrece consejos individuales o en grupos para victimas de violencia domestica. Las organizaciones marcadas con una “A” también ofrecen consejos a los ofensores.*

Apache County	
Apache Behavioral Health Services	(520) 338-4811
Hopi Guidance Center	(520) 737-2586
Regional Behavioral Health Services	(520) 774-2070
Little Colorado Behavioral Health (St John)	(520) 337-4301
Little Colorado Behavioral Health (Springerville)	(520) 333-2683
Cochise County	
Community Partnership of Southern AZ	(800) 771-9889
Forgach House “A”	(520) 458-9096
SEABHS- Family Guidance Center “A” —Sierra Vista	(520) 458-3932
—Bisbee	(520) 432-7751
—Douglas	(520) 364-6601

Coconino County	
Lake Powell Institute Safe House (PGER)	(520) 645-5113
Tuba City for Family Harmony	(520) 283-2930
Northland Family Help Center “A”	(520) 774-4503
Flagstaff Catholic Social Services Guidance Center “A”	(520) 774-9125 (520) 527-1899
Kateri Services pager	(520) 779-7141 (520) 913-6626
Lake Powell Institute (Fredonia)	(520) 643-7230
Victim Witness Services for Coconino County Crisis Center	(520) 779-6163
Community Behavioral Health Services	

Northland Family Help Center “A”	(520) 774-4503	SEABHS- Family Guidance Center “A”—Safford	(520) 428-4550
Flagstaff Catholic Social Services	(520) 774-9125	—Morenci	(520) 865-4531
Guidance Center “A”	(520) 527-1899	—Wilcox	(520) 384-2521
Kateri Services pager	(520) 779-7141 (520) 913-6626	—Bylas	(520) 485-2686
Lake Powell Institute (Fredonia)	(520) 643-7230	La Paz County New Life Guidance Center “A”	(520) 669-6161
Victim Witness Services for Coconino County Crisis Center	(520) 779-6163	Regional Behavioral Health Services	(520) 341-0335
Community Behavioral Health Services	(520) 645-8180 (520) 643-7838	Maricopa County Area Agency on Aging (Elderly)	(602) 264-2255
Native Americans for Community Action “A”	(520) 526-2968	Centro de Amistad (Guadalupe)	(480) 839-2926
Regional Behavioral Health Services	(520) 774-2070	Gila River Alcohol & Drug Abuse (Sacaton)	(602) 258-7714
AnotherWay (Peer Counseling)	(520) 645-5300	AZ Child Protective Services	(602) 530-1800
Gila County Behavioral Health Agency of Central Arizona “A”	(520) 836-1688	AZ Adult Protective Services	(602) 255-0996
Rim Guidance Center (Payson) “A”	(520) 474-3303	Autumn House (Mesa) “A”	(602) 835-5555
San Carlos Apache Tribe Social Service (San Carlos)	(520) 475-2313	Center Against Sexual Abuse	(602) 254-9000
San Carlos Behavioral Health	(520) 475-2371	Chrysalis Abuser Program (Phoenix) “A”	(602) 279-3711
Whiteriver Apaches for Family Peace Behavioral Health	(520) 338-4811	Chrysalis (North Phoenix)	(602) 944-4999
Graham/Greenlee Counties Apache Behavioral Health Services	(520) 338-4811	Chrysalis (Scottsdale)	(480) 481-0402
Behavioral Health Agency of Central AZ	(520) 836-2880	Chrysalis (Phoenix)	(602) 955-9059
Behavioral Health Agency of Central Arizona “A”	(520) 836-1688	City of Scottsdale Vista Del Camino Social Services	(480) 994-2323
Community Partnership of Southern Arizona	(800) 771-9889	COMCARE “A”	(602) 222-9444
Graham-Greenlee Counseling Center “A”	(520) 428-4550	DeColores - Chicanos Por La Causa (Phoenix) “A”	(602) 269-1515
Mt. Graham Safe House	(520) 348-9104 (888) 269-9104	Faith House (Glendale) “A”	(623) 939-6798
Southeastern Arizona Behavioral Health Services	(520) 428-4550 (800) 586-7737	Family Service Agency “A”	(602) 264-9891
		Impact-West Side Social Services “A”	(623) 934-1991
		Jewish Family and Children’s Services	(602) 257-1904
		Justice Services (Court Ordered DV Classes) “A”	(602) 253-4747
		My Sister’s Place (Chandler)	(480) 821-1024
		Organization for Non-Violence Education “A”	(623) 934-0696
		Phoenix Indian Center ext.67	(602) 263-1017
		Parents Support Center	(602) 506-6339
		Regional Behavioral Health Services	(602) 640-1199
		Salt River/Pima/Maricopa Tribes (Scottsdale) “A”	(602) 850-8470

Phoenix Indian Center	ext.67 (602) 263-1017	Community Counseling	
Parents Support Center	(602) 506-6339	Center (Show Low) "A"	(520) 537-2951
Regional Behavioral		Community Counseling Center	
Health Services	(602) 640-1199	(Winslow) "A"	(520) 289-3383
Salt River/Pima/Maricopa		Family Life Skills at the	
Tribes (Scottsdale) "A"	(602) 850-8470	White Mountains "A"	(520) 532-5433
Salvation Army	(602) 267-4100	Hopi Guidance Center	
Sojourner Center		(Second Mesa)	(520) 737-2586
(Phoenix) "A"	(602) 244-0089	Family Solutions	
Southwest Behavioral Health	(602) 268-8748	(Window Rock) "A"	(520) 524-3838
Sundance Lodge	(602) 870-0376	Navajo Town Sight Community	
Terros "A"	(602) 222-9444	Development "A"	(520) 777-2245
Tri-City Behavioral Services "A"	(480) 839-3603	New Horizon Community	
Tumbleweed (Teenagers)	(602) 841-5799	Counseling Center "A"	(520) 289-4658
Valley East Counseling	(480) 827-9064	Winslow Guidance Center "A"	(520) 289-2650
Mohave County		Pima County	
Coalition Against Domestic		AVA Crisis Center	(520) 795-4880
Violence "A"	(520) 453-5800	Pascua Yaqui Domestic	
Catholic Social Services		Violence Program	(520) 883-5190
(Bullhead) "A"	(520) 758-4176	Brewster Center "A"	(520) 881-7201
Kingman Aid to		Casa Amparo (South Tucson)	(520) 746-1501
Abused People	(520) 753-4242	Casa de los Ninos (Tucson)	(520) 624-5600
Kingman Crisis Counseling		Catholic Social Services "A"	(520) 623-0344
Services "A"	(520) 753-1625	Children's Crisis Services	(520) 628-5241
Lake Havasu Catholic		Community Partnership of	
Social Services "A"	(502) 855-4960	Southern AZ	(800) 771-9889
Lake Havasu Crisis Line "A"	(520) 855-8877	The Excel Group (Yuma)	(520) 342-3668
Lake Havasu Interagency		Family Counseling Agency "A"	(520) 327-4583
Counsel "A"	(520) 453-5800	Help On Call	(520) 323-9373
Mohave Mental Health		La Frontera Center "A"	(520) 624-8062
Clinic.(Bullhead) "A"	(520) 758-5905	Reflection Family	
Mohave Mental Health		Services Inc. "A"	(520) 795-0981
Clinic (Kingman)	(520) 757-8111	Tohono O'Odham/Papago	
Mohave Mental Health Clinic		Tribes (Sells)	(520) 383-6321
(Lake Havasu City)	(520) 855-3432	Tucson Center for Women	
Regional Behavioral Health		& Children	(520) 795-4266
Services	(520) 774-2070	Tucson Rape Crisis Center	(520) 327-1171
Navajo County		Tucson Domestic Violence	
Apache Behavioral Health		Commission "A"	(520) 791-3244
Services "A"	(520) 338-4811	Pinal County	
Behavioral Health Agency of		Against Abuse "A"	(520) 836-0858
Central AZ	(520) 836-2880	Autumn House (Mesa)	(520) 969-6955
Behavioral Health Agency of		Behavioral Health Agency	
Central AZ "A"	(520) 836-1688	of Central AZ	(520) 836-2880
Community Counseling		Behavioral Health Agency	
Center (Holbrook) "A"	(520) 524-6126	of Central AZ "A"	(520) 836-1688

Autumn House (Mesa)	(520) 969-695	Yavapai/Apache Tribes	
Behavioral Health Agency of Central AZ	(520) 836-2880	(Camp Verde)	(520) 567-3649
Behavioral Health Agency of Central AZ “A”	(520) 836-1688	Yuma County	
Clerk of the Superior Court “A”	(520) 868-6313	Catholic Community Service	(800) 844-0044
Copper Basin Behavioral Health “A”	(520) 689-8457	Excel-Adult Services Child and Family Services	(520) 341-0335
Gila River Indian Community Tribal Social Services	(520) 562-3711	Casa de Yuma	
Pinal Hispanic Council/Centro De Unidad “A”	(520) 466-7765	(Sexual Assault Hotline)	(520) 782-7273
Regional Behavioral Health Services	(520) 982-1317	Child and Family Services of Yuma (children only)	(520) 783-2427
Tri-Community Counseling Services, Inc “A”	(520) 896-9240 (800) 362-3474	Prevention and Intervention Associates “A”	(520) 341-9199
Santa Cruz County Behavioral Health Agency of Central AZ	(520) 836-2880	Regional Behavioral Health Services	(520) 341-1689
Behavioral Health Agency of Central AZ “A”	(520) 836-1688	Safe House Shelter	(520) 782-0077
Community Partnership of Southern Arizona	(520) 771-9889		
SEABHS- Family Guidance Center “A”	(520) 287-4713	SEXUAL ASSAULT AND INCEST COUNSELING	
CrisisLine	(520) 287-9009	ASALTO SEXUAL E INCESTO	
Santa Cruz Family Guidance Center DV CrisisLine	(520) 287-4960	Victims suffering from incest or any sexual violence may call the listed agencies for crisis intervention, counseling, referrals and HIV/ Pregnancy Testing.	
Regional Behavioral Health	(800) 771-9889	Arizona Sexual Assault Network (602) 254-6400	
Yavapai County Behavioral Health Agency of Central AZ	(520) 836-2880	Apache County	
Behavioral Health Agency of Central AZ “A”	(520) 836-1688	Apache County Victim Assistance	(520) 337-4364
Behavioral Health Agency of Central AZ “A”	(520) 836-1688	(victim notification, victim compensation assistance in county attorney assigned cases)	ext. 240
Faith House	(520) 445-4673	Apache County Sheriff’s	(520) 337-4321
Inter Mountain	(520) 778-0351	Eager Police Department	(520) 333-4127
Prescott Life Skills “A”	(520) 776-0650	—Sexual Abuse	(520) 333-4000
Regional Behavioral Health Services	(520) 774-2070	White Mountain Community Hospital	(520) 333-4368
Turning Point	(520) 778-7900	Springerville Police	(520) 333-4240
Verde Valley Guidance Clinic “A”	(520) 634-2236	—Sexual Assault	(520) 333-4321
West Yavapai Guidance Center “A”	(520) 445-7730	St. Johns Police	(520) 337-2440
Verde Valley Sanctuary	(520) 634-2511 (800) 730-7233	Navapache Regional Medical Center (St. Johns)	(520) 367-2506
		Cochise County	
		Northern Cochise Community Hospital	(520) 384-3541
		Chiricahua Health Centers, Inc.	(520) 642-2222
		Bisbee Police	(520) 432-2261
		Cochise County Attorney- Victim Witness Program (Bisbee)	(520) 298-5479

Chiricahua Health Centers, Inc.	(520) 642-2222	Fredonia Marshall's Office	(520) 643-7513
Bisbee Police	(520) 432-2261	Northland Family Help Center (Flagstaff)	(520) 774-4503
Cochise County Attorney —Victim Witness Program (Bisbee)	(520) 298-5479	Page Police	(520) 645-2463
Cochise County Children's Center (Huachuca City)	(520) 456-1000	Page Hospital	(520) 645-2424
Cochise County-Dept. Health and Social Services (Bisbee)	(520) 432-9472	Lake Powell Institute Crisis Line	(520) 645-8180
Cochise County Sheriff's Dept. (Bisbee)	(520) 432-9505 (800) 362-0812	Another Way (Page/Lake Powell)	(520) 645-5300
Cochise County Victim Witness	(520) 432-9377	Williams Police	(520) 635-4461
Southeastern Arizona Behavioral Health Services (Bisbee)	(520) 432-7751	Kane County Hospital (Utah)	(801) 644-5811
SEABHS (Douglas)	(520) 364-1286	Fredonia Police —Sexual Abuse	(520) 643-7513 (520) 643-7108
SEABHS (Wilcox)	(520) 384-2521	Fredonia Marshall's Office	(520) 643-7513
SEABHS (Bisbee)	(520) 432-7751	Gila County	
Copper Queen Community Hospital	(520) 432-5383	Behavioral Health Agency of Central AZ (Globe)	(520) 836-1688
Douglas Police	(520) 364-8422	Gila Valley Ministerial Association (Safford)	(520) 428-4920
Southeast Arizona Medical Center (Douglas)	(520) 364-7931	Gila County Victim Witness	Ext.298(520) 425-3231
Human Resource Council (Willcox)	(520) 384-3120	Gila County Sheriff's Office	(520) 425-4449 (800) 890-2880
Wilcox Police	(520) 384-4673	Cobra Valley Community Hospital	(520) 425-3261
Sierra Vista Police	(520) 458-3311	Globe Police	(520) 425-5752
Parents United (Sierra Vista)	(520) 459-3928	Behavioral Health Agency of Central AZ (Globe)	(520) 836-1688 (800) 890-2880
Coronado Behavioral Health Crisis Line (Sierra Vista)	(520) 458-3932 (800) 586-9161	Miami Police	(520) 473-2466
SEABHS (Sierra Vista)	(520) 458-3932 (800) 586-9161	Payson Police	(520) 474-5177
Coconino County		Payson Regional Medical Center	(520) 474-3222
Another Way (Page)	(520) 645-5300	San Carlos Hospital	(520) 475-2371
Coconino County Victim Witness	(520) 779-6163	SEABHS (Bylas)	(520) 485-2686
Coconino County Sheriff's Office	(520) 774-4523	Graham/ Greenlee Counties	
Flagstaff Police —Sexual Assault	(520) 779-3646 (520) 774-1414	Graham and Greenlee Counseling Center	(520) 428-4550
Flagstaff Hospital	(520) 779-3366	—Crisis Hotline	(520) 428-5711
Fredonia Police —Sexual assault	(520) 643-7513 (520) 643-7108	(520) 865-4531 (520) 586-9161	
		Greenlee County Health Dept.	(520) 865-2601
		Greenlee County Victim Compensation	(520) 865-4108
		Greenlee Sheriff's Office	(520) 865-4149
		Clifton Police	(520) 865-4566

Greenlee County		St. Joseph's Hospital	
Victim Compensation	(520) 865-4108	(Cen. Phx.)	(602) 406-3310
Greenlee Sheriff's Office	(520) 865-4149	Phoenix Indian Hospital	
Clifton Police	(520) 865-4566	(Cen. Phx.)	(602) 263-1200
Graham County		Veterans Affairs Medical	
Victim Witness	(520) 428-4787	Center (Cen. Phx.)	(602) 277-5551
Safford Police	(520) 428-3141	Phoenix Memorial	
Mt. Graham		Hospital (So. Phx.)	(602) 258-5111
Community Hospital	(520) 348-4000	Jesse Owens Medical	
SEABHS (Safford)	(520) 428-4550	(So. Phx.)	(602) 824-4350
SEABHS (Morenci)	(520) 865-4531	Phoenix Baptist Hospital	
La Paz County		(No. Phx.)	(602) 249-0212
La Paz County Sheriff	(520) 669-6141	Community Hospital	
La Paz County Victim Witness	(520) 669-6118	and Medical Center	(602) 249-3434
New Life Guidance		Lincoln Hospital	
Center (Parker)	(520) 669-6161	(North Central)	(602) 943-2381
Parker Community Hospital	(520) 669-9201	Columbia Paradise	
Parker Police	(520) 669-2264	Valley Hospital	(602) 867-6693
—Sexual Assault	(520) 669-2281	Columbia Hospital	
Maricopa County		(East Phoenix)	(602) 241-7600
Center Against Sexual		Arrowhead Hospital	
Abuse (Phoenix)	(602) 254-9000	(NW Phx)	(623) 561-7172
	(888) 446-CASA	Phoenix General Hospital	(623) 879-5584
(TDD)	(602) 254-4692	Thunderbird Samaritan	
ComCare	(602) 640-1111	(NW Phx)	(602) 588-5502
	(602) 222-9444	Maryvale Samaritan	
Court Appointed Special		(West Phoenix)	(623) 848-5000
Advocates (Phoenix)	(602) 506-4083	Del E. Webb Memorial	
Maricopa County Community		Hospital	(623) 214-4000
Information and Referrals		Walter O. Boswell	
Victim Assistance		Memorial Hospital	(623) 977-7211
and Advocacy	(602) 263-8856	Scottsdale Memorial	
	(800) 631-1314	Hospital	(480) 481-4828
Maricopa County		Tempe St. Luke's	(480) 784-5500
Victim Witness	(602) 506-8522	Chandler Regional	
Maricopa County		Hospital	(480) 821-3219
Victim's Compensation	(602) 506-4955	Desert Samaritan	
Maricopa County Hospitals		Regional Medical	(480) 835-3700
Maricopa Medical Center		Mesa General Hospital	(480) 969-9111
(Cen. Phx.)	(602) 267-5411	Mesa Lutheran Hospital	(480) 834-1211
St. Lukes Medical		Valley Lutheran Hospital	
Center (Cen. Phx.)	(602) 251-8183	(East Mesa)	(480) 981-2000
Good Samaritan Hospital		Wickenburg Regional Hospital	
(Cen. Phx.)	(602) 239-2103	(West Maricopa)	(602) 684-5421
		Maricopa County Police	
		Phoenix	(602) 262-6151

Avondale	(623) 932-3660	Victim Compensation	(520) 524-4026
Buckeye	(623) 386-4421	Winslow Police	(520) 289-2431
Chandler	(480) 786-2742	Community Counseling Center	
Gilbert	(480) 892-3434	Outpatient Clinic (Winslow)	
Glendale	(623) 930-3056	—Sexual Assault Counseling	(520) 289-4658
—Sexual Assault	(623) 930-3030	—Crisis Hotline	(520) 289-4658
Mesa	(480) 644-2211		(520) 289-4691
—Center Against		Winslow Memorial Hospital	(520) 289-4691
Family Violence	(480) 644-4075	Holbrook Police	(520) 524-3991
Paradise Valley	(480) 948-7418	Community Counseling Center Out	
Peoria	(602) 412-7096	Patient Clinic (Holbrook)	(520) 524-6126
—Service to Victims	(623) 979-4222	Pima County	
Scottsdale	(480) 391-5000	Pima County Victim Witness	(520) 740-5525
—Crisis Intervention,		Pima County Sheriff	(520) 741-4810
Referrals	(480) 391-5055	Davis-Monthan AFB Police	(520) 228-3517
Tempe	(480) 350-8306	Marana Police Department	(520) 682-4466
—Crisis Intervention	(480) 350-8011	Oro Valley Police Department	(520) 742-5445
Tolleson	(623) 936-7186	Pascua-Yaqui Tribal Police	(520) 578-1814
Wickenburg	(520) 684-3152	South Tucson Police	(520) 622-0655
Maricopa City Sheriff	(800) 352-4553	Tohono O’Odham Tribal Police	(520) 383-3260
	(612) 256-1602	Tucson Police Adult Sex Crimes	(520) 791-4492
Phoenix City Prosecutor’s Office	(602) 261-8192	Tucson Police Juvenile Sex Crimes	(520) 791-4018
—Services to Victims	(602) 295-5846	University of Arizona Police Dept	(520) 621-8273
Scottsdale City Prosecutor’s Office	(480) 481-0670	Children’s Advocacy Ctr @ Kino	(520) 741-6931
Mohave County		El Dorado	(520) 886-6361
Bullhead City Police	(520) 763-9200	Kino Hospital	(520) 294-4471
—Sexual Assault	(520) 763-1999	Columbia NW Hospital	(520) 742-9000
Mohave County Victim Witness	(520) 753-0719	St. Joseph’s	(520) 296-3211
Community Action Against		St. Mary’s	(520) 622-5833
Rape (Bullhead City)	(520) 553-7273	Tucson General	(520) 318-6300
Havasu Crisis Line	(520) 855-8877	Tucson Medical Center	(520) 327-5461
Kingman Police	(520) 753-2191	University Medical Center	(520) 694-0111
Kingman Regional		Planned Parenthood	(520) 624-1761
Medical Center	(520) 757-2101	Teresa Lee Clinic	(520) 624-8272
Lake Havasu Police	(520) 855-4884	Tucson Rape Crisis Center	(520) 327-7273
Interagency Council			(800) 400-1001
(Lake Havasu)	(520) 453-5800	Las Familias	(520) 327-7122
Lake Havasu Regional		Oasis Center for Sexual Assault	
Samaritan	(520) 855-8185	and Relationship Violence	(520) 626-2051
Western AZ Regional Medical		Our Town Family Center	(520) 323-1706
Center (Bullhead City)	(520) 763-2273	Tucson Centers for Women	
CRRYS Program (Bullhead, Needles,		& Children	(520) 795-4266
CA, and Laughlin)	(520) 768-1500	Pinal County	
Navajo County		Pinal County Victim Witness	(520) 868-6813
Navajo County Sheriff’s Office	(520) 524-6161	Pinal County Sheriff’s Office	(520) 868-6800
Navajo County Victim Witness	(520) 524-4026		

Casa Grande Police	(520) 421-8700
Casa Grande Regional Medical Center	(520) 426-6300
Behavioral Health Agency of Central AZ (Casa Grande)	(520) 836-1688
—24 hour hotline	(520) 836-2880
Against Abuse (Casa Grande)	(520) 836-0858
Tri-Community Resource Center (Casa Grande)	(520) 896-9240
—Crisis Hotline	(520) 362-3474
Florence Police	(520) 868-5873
Central Arizona Medical Center (Florence)	(520) 868-2000

Santa Cruz County

Santa Cruz Victim Witness	(520) 287-9111
Nogales Police	(520) 287-9111
Holy Cross Hospital (Nogales)	(520) 287-2771
Santa Cruz Family Guidance Center	(520) 287-4713
—Hotline	(520) 281-9009
Southeastern Arizona Human Resource Center (Nogales)	(520) 287-5066
Crossroads (Nogales)	(520) 287-5828
Patagonia Police	(520) 394-2091
SEABHS (Nogales)	(520) 287-4713

Yavapai County

Yavapai County Victim Witness	(520) 771-3485
-Victim Compensation	(520) 771-3485
-Verde Valley Annex Victim Witness	(520) 639-8186
Verde Valley Annex Victim Witness	(520) 567-7717
Yavapai County Sheriff's Office	(520) 445-2231
Prescott Police	(520) 778-1444
Sexual Assault Hotline (Prescott)	(520) 772-5150
Children's Information Center (Prescott)	(520) 232-1676
Women's Center (Prescott)	(520) 717-1715
Yavapai Hospital	(520) 445-2700
Cottonwood Police	(520) 634-4246
Clarkdale Police	(520) 634-2921
Camp Verde Police	(520) 567-6621
Verde Valley Guidance Clinic	(520) 634-2236

Marcus J. Lawrence Memorial Hospital	(520) 634-2251
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Yuma County

Yuma County Victim Division	(520) 329-2279
—Victim Compensation	(520) 329-2130
Yuma Police	(520) 782-3293
Yuma County Sheriff's Office	(520) 783-4427
Casa de Yuma	(520) 342-3668
—Sexual Assault	(520) 782-7273
Catholic Community Service	(520) 341-9400
Yuma Child Abuse & Neglect Children's Village	(520) 783-2427

For Sexual Offenders

Family Transitions	(602) 242-5192
Well Being Systems	(602) 957-2368
North Valley Counseling Center	(602) 274-2745
PreHab	(480) 969-6955
Psychology and Consulting Services	(480) 777-8807
Child's Advocacy Center	(602) 257-8952

COURTS/ORDERS OF PROTECTION AND INJUNCTIONS AGAINST HARASSMENT

CORTES/ ORDENES DE PROTECCION

Victims may obtain an Order of Protection or an Injunction Against Harassment from their local civil court. Applications may be available at courthouses, police stations, shelters or legal service offices. An Order of Protection or an Injunction Against Harassment instructs that the abuser must stay away from the victim. The Order of Protection and the Injunction Against Harassment become valid when it is served on the abuser. If the abuser violates the order, the police should be notified and shown the order. Copies should be given to schools, day care centers and trusted family and friends.

Victimas pueden obtener una orden de proteccion en la corte local. Solicit' des estan disponibles en la corte, estaciones policiales, asilos, y oficinas de servicios legales. Una orden de proteccion le instruye al abusador que debe mantenerse alejado de la victima. Esta orden entra en vigor cuando se le entrega al abusador. Si el abusador viola la orden, se le debera notificar a la policia, mostrando la orden. Copias de la orden deben darse a las escuelas, guardarlas y familiares o amigos de confianza.

Apache County		Municipal Courts (Phoenix)	(602) 262-7120
County Justice Courts, Municipal Courts, and Clerk of the Superior Court (St. John)		Clerk of the Superior Court	(602) 506-3676
ext. 24 (520) 337-4364		Maricopa County	
		Self-Service Center	(602) 506-SELF
		Maricopa Justice Court	
		(Scottsdale)	(480) 947-7569
		Scottsdale Municipal Court	(480) 994-7975
Cochise County			
County Justice Courts (Bisbee)	(520) 432-9540		
Municipal Courts (Bisbee)	(520) 432-4022		
Clerk of the Superior Court	(520) 432-9364		
Coconino County			
County Justice Courts (Flagstaff)	(520) 779-6806		
Municipal Courts (Flagstaff)	(520) 774-1401		
Williams Justice	(520) 635-2691		
Williams Municipal	(520) 635-4456		
Gila County			
County Justice Courts			
(Globe)	ext. 320 (520) 425-6314		
Municipal Courts (Globe)	(520) 425-9651		
Clerk of the Superior Court	(520) 425-3231		
Graham County			
County Justice Courts (Safford)	(520) 428-1210		
Municipal Courts (Safford)	(520) 348-3179		
Clerk of the Superior Court	(520) 428-3100		
Graham County Justice Court	(520) 428-3310		
Graham Clerk of the			
Superior Court	(520) 428-3252		
Greenlee County			
County Justice/Municipal			
Court (Morenci)	(520) 865-4312		
Clerk of the Superior Court	(520) 865-4242		
La Paz County			
County Justice Courts (Parker)	(520) 669-2504		
Municipal Courts (Parker)	(520) 669-0011		
Clerk of the Superior Court	(520) 669-6131		
County Justice Courts			
(Quartzsite)	(520) 927-6313		
Magistrate Court (Quartzsite)	(520) 927-7477		
County Justice Courts (Salome)	(520) 859-3871		
Maricopa County			
County Justice Courts (Phoenix)	(602) 506-1168		
		Municipal Courts (Phoenix)	(602) 262-7120
		Clerk of the Superior Court	(602) 506-3676
		Maricopa County	
		Self-Service Center	(602) 506-SELF
		Maricopa Justice Court	
		(Scottsdale)	(480) 947-7569
		Scottsdale Municipal Court	(480) 994-7975
		Mohave County	
		City Justice Courts	
		(Bullhead City)	(520) 758-0709
		City Municipal Court	
		(Bulkhead)	(520) 758-0130
		County Justice Courts	
		(Kingman)	(520) 753-0710
		Municipal Courts (Kingman)	(520) 753-8193
		Consolidated Court	
		(Lake Havasu City)	(520) 453-0735
		Clerk of the Superior Court	(520) 753-0713
		Moccasin Consolidated Court	(520) 643-6205
		Navajo County	
		County Justice Courts	
		(Holbrook)	(520) 524-4227
		Municipal Courts (Holbrook)	(520) 524-3019
		Clerk of the Superior Court	(520) 524-4176
		Pima County	
		County Justice Courts (Tucson)	(520) 740-3505
		Municipal Courts (Tucson)	(520) 791-3260
		Clerk of the Superior Court	(520) 740-3200
		Pinal County	
		County Justice Courts	
		(Florence)	(520) 868-6578
		Municipal Courts (Florence)	(520) 868-5889
		Clerk of the Superior Court	(520) 868-6296
		Santa Cruz County	
		County Justice Courts	
		(Nogales)	(520) 761-7852
		Municipal Courts (Nogales)	(520) 287-3181
		Clerk of the Superior Court	(520) 761-7808
		Yavapai County	
		County Justice Courts (Prescott)	(520) 771-3300

Municipal Court	(520) 771-3300	Phoenix	(602) 258-3434
Clerk of the Superior Court	(520) 771-3312	Women In Need Legal Assistance (Mesa)	(480) 655-0280
Yuma County			
County Justice Courts (Yuma)	(520) 329-2180	Prescott	(520) 445-9240
Municipal Courts (Yuma)	(520) 783-3381	San Carlos	(520) 475-2430
Clerk of the Superior Court	(520) 329-2164	San Luis	(520) 627-8023
Somerton Justice City Courts	(520) 627-2172	Yuma	(520) 782-7511
San Luis Court	(520) 627-2020	Coconino Legal Aid (Flagstaff)	(520) 774-0653

The agencies listed below assist victims of abuse who financially qualify. Once a victim has qualified, the victim is appointed a paralegal that will assist the victim with obtaining an Order of Protection or any other paperwork involved with the court system. If an abuser is working with a lawyer, the legal services will then assist the victim with obtaining a lawyer. *Estas agencias asisten a las victimas de abuso que calificuen economicamente. Una vez aprobada, se le asigna un agente para asistir a la victima en la obtencion de una orden de protecci3n y cualquier otra necesidad dentro del sistema judicial. Si el agresor tiene representaci3n legal, este agente le ayudar a la victima a adquirir los servicios de un abogado.*

Southern Arizona Legal Aid

Douglas	(520) 364-7973
Nogales	(520) 287-9441
Safford	(520) 428-4213
Tucson	(520) 623-9461
White Mountain Legal Aid (Lakeside)	(800) 658-7958

COMMUNITY LEGAL SERVICES

/SERVICIOS LEGALES

These agencies offer legal advice and litigation at low or no cost to those who qualify. *Estas agencias ofrecen consejos legales y litigacion a precios bajos o gratis a personas que tienes ciertos requisitos.*

Community Legal Services

Apache Junction	(520) 983-1226
Coolidge	(520) 723-5410
Kingman	(520) 753-7175
Miami	(520) 473-2412
Payson	(520) 472-7255

DNA People's Legal Services

Chinle	(520) 674-5242
Keams Canyon	(520) 738-5231
Shiprock	(520) 368-3200
Tuba City	(520) 283-3200
Window Rock	(520) 871-4151

Four Rivers Indian Legal Services

Sacaton	(520) 562-3369
Scottsdale	(480) 874-8150
Scottsdale	(480) 837-4580
Papago Legal Services (Sells)	(520) 383-2420
Pinal/Gila Counties Legal Aid	(520) 723-5410
Yuma Community Legal Services	(520) 782-7511

NATIVE AMERICAN TRIBAL RESOURCES

The following are listings of victim services on the native American reservations.

Navajo Police	
Chinle District	(520) 674-2111
	(520) 674-2112
Dilkon district	(520) 657-3276
	(520) 657-3434
Kayenta District	(520) 697-5600
Tuba City	(520) 283-3111
	(520) 283-3112
Windowrock	(520) 871-6111
	(520) 871-6112

Navajo Nation Victim

Assistance and Compensation (520) 871-6829

Gila River Indian Community

Tribal Social Services (520) 562-3711
ext. 232

Hopi Behavioral Health Services (520) 737-2665

(520) 737-2711

Pascua Yaqui Social Services (520) 883-2838

Fort McDowell Mohave-
 Apache Community (520) 837-5121
 —24 hour on call services
 thru police (520) 837-1091
 Tohono O’Odham Nation
 Victim Witness (520) 383-4590

GOVERNMENT SERVICES

/SERVICIOS GUBERNAMENTALES

The state and local governments may be a helpful resource for some victims. Listed below are some agencies, which provide divisions, and staffing for domestic violence issues. *Los gobiernos locales y estatales pueden proporcionar recursos de valor a las victimas.*

Esta lista contiene los nombres de las agencias que pueden asistir con casos de violencia domestica.

Cochise County

Support Services (520) 432-9505
 Health and Social Services (520) 432-9472

Coconino County

Community Services (520) 522-7979
 (520) 635-2628
 Department of Health Services (520) 522-7800

Mohave County

Health and Social Services (520) 753-0748

Statewide Services

Department of Economic Security/
 Division of Children
 and Family Services (602) 542-3598
 Division of Aging and
 Community Services (602) 542-6572
 Department of Health Services/
 Women and Children
 Health Services (602) 220-6550
 The Governor’s Office for
 Domestic Violence Prevention (602) 542-1773
 (800) 253-0883

**VICTIM WITNESS/ ASSISTANCE AND
 ADVOCACY SERVICES**

Victim services are agencies which acts as an advocate for victims. Within this service these advocates can provide a victim with any immediate and basic needs,

which may be incurred during the prosecution of the abuser. These advocates may help supply: food, clothing, money for gas and referrals to other agencies, which can further assist the victim. Victim Services also assists victims through the court proceeding and the financial aspects when needed. La oficina de Servicios a la Victima es una agencia que actua como defensor de las victimas. Entre sus servicios estos defensores pueden asistir a la victima con necesidades basicas que pueden incurrir durante el periodo de abuso. Estos defensores pueden asistir con: comida, ropa, dinero para gasolina, y referencias a otras agencias que puedan seguir asistiendo a la victima durante el proceso judicial y las necesidades financieras.

Arizona Coalition Against Domestic Violence

ACADV has established a free, (800) 782-6400 legal advocacy hotline, in which they and provide victims of misdemeanor (602) 279-2900 domestic violence with precise, accurate information which is specific to that area within Arizona in which the victim resides.

Apache County

Apache County Victim
 Witness Program ext.240 (520) 337-4364
 Navajo Dept. Of Law
 Enforcement-Windowrock (520) 871-6111
 Shiprock (505) 368-1350
 Navajo Nation Victim
 Witness Advocates (520) 871-7556

Cochise County

Cochise County Victim
 Witness Program ext. 260 (520) 432-9377

Coconino County

Coconino County Victim
 Witness Services (520) 779-6163
 Navajo Dept. Of Law
 Enforcement-Tuba City (520) 283-3111
 Williams Victims
 Advocacy Group (520) 635-4461

Gila County/ Graham/ Greenlee Counties

Gila River Indian Community (520) 899-9565
 Gila County Victim Assistance
 Program ext. 298 (520) 425-3231

Gila County Victim Assistance Program ext. 298	(520) 425-3231	Mohave County	
Graham County Victim Witness Program	(520) 428-4787	Interagency Council	(520) 453-5800
Greenlee Victim Assistance	(520) 865-4108	Mohave County Victim Witness Program	(520) 753-0719
Safford City Prosecutor's Office	(520) 428-2700	City of Bullhead City Attorney's Office	(520) 763-9400
La Paz County		Navajo County	
La Paz County Victim Witness Program	(520) 669-6118	Navajo County Victim Services Division	(520) 524-4026
Maricopa County		Navajo Dept. Of Law Enforcement	
U.S. Attorney Victim Witness (federal cases only)	(602) 514-7593	—Kayenta	(520) 697-5600
Attorney General's Victim Rights Program	(602) 542-8451	—Dilkon	(520) 657-3434
Arizona Department of Juvenile Corrections	(602) 258-6786 (800) 387-3062	Pima County	
Maricopa County Victim Witness Division	(602) 506-8522	Tohono O'Odham Nation, Prosecutor's Office	(520) 383-4590
Maricopa County Superior Court	(602) 506-4409	Pima County Victim Witness Program	(520) 740-5525
Chandler Police Dept	(480) 786-2921	Pinal County	
Glendale Victim Assistance	(623) 930-2436	Pinal County Victim Witness	(520) 740-5525 (520) 868-6813
Mesa Police Dept. Victim Assistance	(480) 644-3232	Apache Junction Police Dept.	(602) 671-5485
Mesa City Prosecutor	(480) 644-2188	Santa Cruz County	
Domestic Violence Legal Advocacy	(602) 258-0373	Santa Cruz County Attorney's- Victim Witness Program	(520) 281-5868 (520) 287-2468
—Eastside	(480) 969-6955	SEABHS-Santa Cruz Family Guidance Center	
—Westside	(623) 247-0464	Division-Advocate	(520) 287-4960
Peoria Police Dept. Victim Assistance	(623) 878-3791	Yavapai County	
City of Peoria Prosecutor's/ Victim Witness Program	(623) 412-7330	Yavapai County Victim Witness Division	(520) 771-3485
Phoenix City Prosecutor's Victim Witness	(602) 261-8192	Yuma County	
Scottsdale Police Dept. Crisis Intervention Unit	(480) 391-5055	Yuma County Victim Witness	(520) 329-2131 (520) 329-2279
Scottsdale City Prosecutor's Victim Witness	(480) 481-0565		
Tempe Police Dept	(480) 350-8285	Adult Protective Services	
Tempe City Prosecutor's Office	(480) 350-8285	/ Servicios De Proteccion Para Mayores	

Adult Protective Services is an agency, which provides services for any vulnerable or disabled person. A caseworker is assigned to the victim and

will use whatever means possible to rectify the situation and provide safety for the victim. *Esta agencia le presta servicios a cualquier persona vulnerable o con impedimento fisico. Se le asigna un trabajador social a la victima, quien usara cualquier medio necesario para rectificar la situacion y brindarle seguridad a la victima.*

Phoenix	(602) 255-0996
Mesa	(480) 345-1708
Tucson	(520) 628-6810
Flagstaff	(520) 779-6141
Prescott	(520) 776-8537
Yuma	(520) 782-4343
Bullhead City	(520) 763-8388
Casa Grande	(520) 836-2351
Globe	(520) 425-3101
Safford	(520) 428-7702
Wilcox	(520) 384-3505
Nogales	(520) 287-6551

IMMIGRATION ISSUES AND REFUGEE SERVICES/ SERVICIOS PARA IMIGRANTES Y REFUGIADOS

Immigrant victims of domestic violence may face more obstacles in attempting to end their violent situations due to their citizenship status. Abusers may use the victim's status to control and intimidate the victim. The agencies listed below may be a beginning for immigrant victims seeking help. However, it is important to know that it is possible for aliens to self-petition for permanent residence when they are in an abusive relationship. Not all of the following services are designated for domestic violence; however, they do all offer services for immigrants. Victimas inmigrantes de violencia domestica enfrentan mas obstaculos en su busqueda de un fin a su situaciÓn por sus condiÓn de residencia. Abusadores pueden usar esta condiÓn para intimidar a su victimas. Las agencias a continuaciÓn pueden asistir en ayudar a las victimas. Sin embargo es importante saber que personas ilegales, victimas de un agresor ciudadano or residente permanente, pueden solicitar residencia permanente. Aunque no todas las agencias ofrecen ayuda a victimas de violencia domestica, todos prestan servicios a inmigrantes.

AIRCI	(602) 246-6556
Catholic Social Services	(602) 997-6105

Centro Adelante Campesino	(623) 583-9830
DES Refugee Resettlement	(602) 542-6600
Friendly House	(602) 257-1870
International Rescue Committee, Inc	(602) 433-2440
Jewish Family and Children's Services	(602) 257-1904
Lutheran Social Ministry of the Southwest	(602) 271-0828
SunnySlope Family Services Center	(602) 495-5229
Tonatierra Community Development Institute	(602) 254-5230
INS (general information)	(602) 379-3122
District Directors Office	(602) 379-3114
	(602) 379-3115
INS (Tucson)	(520) 670-4617
Office of Hispanic Ministry	(602) 257-5572
Wesley Community Center (English and Citizenship classes)	(602) 252-5609
Almar Services	(602) 274-0980
Arizona State University Foreign Students Office	(480) 965-5965
National Visa Center (out of state)	(623) 334-0700
Chicano Por La Council (Summerton)	(520) 627-3009
United Bonding Services Inc. (bonding for immigrant detainee)	(602) 287-3200 (800) 337-1493
Southern Arizona Legal Aid (Tucson)	(520) 623-9461 (800) 234-7252
Pima County Bar Association (Tucson)	(520) 623-4825
TECLA (Tucson)	(520) 623-5739
Foreign Immigration and Refugee Project (Florence)	(520) 868-0191
Nogales Legal Aid (Nogales)	(520) 287-9441
American Beginnings (Yuma)	(520) 783-5794
Assistance League of Flagstaff	(520) 779-3009
Coconino Legal Aid (Flagstaff)	(520) 774-0653
Office of Special Counsel	(800) 255-7688 (800) 237-2515



Healing Hands

God says that faith moves mountains, and I know this is so. He brought me to this shelter when there was nowhere else to go. I found safety in this peaceful place, time to rest and heal inside. I remembered what life use to be when I had a sense of pride. The trust I placed in the all the staff was well placed trust indeed. These caring people taught me where loving self could lead. The first steps were the hardest, my heart was filled with fear; "I" had to break my chains, that's why God brought me here. I learned that true love doesn't hurt, but heals the heart instead; I know when I awake each day, there is hope instead of dread. With each and every step I take, a brighter life I see. God's "Shelter Angels" helped me heal. Today, at last, I'm free!

Sample Workplace Policy

FAMILY VIOLENCE PREVENTION FUND

NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE*

This model policy may be adapted as a unified domestic violence policy or its component parts may be integrated into already existing related policies and/or guidelines.

The Family Violence Prevention Fund would like to acknowledge the support and counsel of the Office for Victims of Crime and the Advisory Committee of the National Workplace Resource Center on Domestic Violence. The Fund would especially like to thank Dr. Howard Arkans of Aetna U.S. Healthcare, Judith Bonderman and Katherine Garrett of the Office for Victims of Crimes, Alana Bowman, Esq. of the Los Angeles City Attorney's Office, Dr. Jacquelyn Campbell of the School of Nursing, Johns Hopkins University, Carol Carlson and Stephanie Harkness of Wells Fargo Bank, Cecily Cocco of Blue Shield of California, Sarah Connell of the Violence Against Women Office, Shaun Dix and Atlanta McIlwraith of The Body Shop, Julie Goldscheid, Esq. of NOW Legal Defense and Education Fund, Roberta Hantgan of the National Education Association, Jim Hardeman of Polaroid Corporation, Robin Hassler, Esq. of the Florida Governor's Task Force on Domestic and Sexual Violence, Rod Libbey of Bank of America, Lewis Maltby of the ACLU, Anne Menard of the National Resource Center on Domestic Violence, Steve Moskey, Dr. Ellen Newman of Levi Strauss & Co., Catherine O'Reilly Collette of the American Federation of State, County and Municipal Employees, Dr. Patricia Salber of Kaiser Permanente, Blue Walcer, Eve Sheedy, Esq. of WorkSafe, Lauren Slovic, Karen Thomas, Dianne Yamashiro-Omi of The Gap, Beverly Younger Urban, and the members of the San Francisco Department of Public Health Domestic Violence in the Workplace Planning Group for comments on earlier drafts of this policy. This policy has also benefited from the examples of policies or guidelines on domestic violence from Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C., Newton-Wellsley Hospital, Office of the Los Angeles City Attorney, Polaroid Corporation, Sacred Heart Medical Center, State of Florida, and State of Washington.

* The model policy was approved by the Board of Directors on September 5, 1997

FAMILY VIOLENCE PREVENTION FUND

NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

I. PURPOSE: [Employer X] is committed to promoting the health and safety of our employees. Domestic Violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace.

II. DEFINITIONS:

- A. Domestic Violence:** A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence occurs between people of all racial, economic, educational, religious backgrounds, in heterosexual and same sex relationships, living together or separately, married or unmarried, in short term or long term relationships. Domestic violence is a major cause of injury to women, although men also may be victims of such violence.
- B. Batterer, Perpetrator, or Abuser:** The individual who commits an act of domestic violence as defined above.
- C. Batterers' Intervention Programs:** Programs batterers attend that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Inappropriate batterers' intervention programs include, but are not limited to couples, marriage, or family counseling and anger management courses. These have proven to be ineffective in stopping domestic violence.
- D. Survivor or Victim:** The individual who is the subject of an act of domestic violence.

III. POLICY:

A. Early Intervention and Education Prevention Strategies

1. It is the policy of [Employer X] to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. [Employer X] will provide available support and assistance to employees who are survivors of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation. Written resource

and referral information should be available in all the languages spoken by employees. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, [Employer X] will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.

2. [Employer X] will attempt to maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, company phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, including but not limited to: the Statewide Domestic Violence Coalition number [(xxx) xxx-xxxx], the national domestic violence hotline number (800) 799-SAFE, [the Employee Assistance Program number], the phone number and description of local domestic violence resources, and a list of local batterers' intervention programs.

B. Leave Options for Employees who are Experiencing Threats of Violence

1. At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager, Human Resources representative, [and union representative, where the employee is represented].
2. Employees, supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances, this may include:
 - * Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare.
 - * Consider [sick, annual, shared, leave, compensatory time, or leave without pay], especially if requests are for relatively short periods.

C. Procedures for Employees with Performance Issues Related to Domestic Violence

1. While the employer retains the right to discipline employees for cause, [Employer X] recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for appropriate assistance should be offered to the employee.
2. The manager, in collaboration with the employee, Employee Assistance counselor, Human Resource representative, [and union representative, where employee is represented] should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic

violence. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

D. Disciplinary Procedures for Employees who Commit Acts or Threats of Domestic Violence

1. [Employer X] is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on [Employer X] premises, during working hours, or at a [Employer X] sponsored social event is a serious violation of [Employer X] policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.
2. Employees who are convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee or affects the normal operation of [Employer X].

IV. GUIDELINES REGARDING ASSISTANCE FOR SURVIVORS AND PERPETRATORS:

A. General Guidelines

1. The following information is provided to help employees of [Employer X] who are survivors of domestic violence obtain the services they desire and to enhance the safety of [Employer X] workplaces.
2. [Employer X] seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence and seeking assistance for domestic violence concerns. If an employee discloses that they are a survivor of domestic violence, it is important to send the following messages and avoid victim blaming:
 - * You are not alone.
 - * You are not to blame.
 - * There is help available.
 - * You do not deserve to be treated this way.
3. If a supervisor believes that an employee is in an abusive relationship, but the employee has not disclosed this to their supervisor, the supervisor should address any job performance issues and refer the employee to the Employee Assistance Program and/or community resources.
4. Recognizing the absence of services and support for survivors of domestic violence and that a

survivor of domestic violence may face threats of violence or death when they attempt to end a violent relationship, supervisors will make efforts to provide a nonjudgmental and supportive environment for the employee which is not dependent on the employee's decisions regarding the relationship.

5. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence, information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase that employee's safety.
6. It is important that all employees know how best to respond to the effects of domestic violence on the workplace. The following clarifies roles for all staff:

a. Managers /Supervisors:

1. Participate in domestic violence training as provided.
2. Be aware of physical or behavioral changes in employees and consult with your Human Resources department/Employee Assistance Program/supervisor for advice. Your role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (e.g. chronic pain), isolation, emotional distress, depression, distraction, and excessive number of personal phone calls.
3. Managers/Supervisors must be respectful of employees' personal choices. If the manager or supervisor observes the signs of violence, it is appropriate to convey concern regarding signs and to educate the employee regarding resources available. It is critical that the manager/supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.
4. Be responsive when an employee who is either the survivor or the perpetrator of domestic violence asks for help. Immediately contact your Human Resources/ Employee Assistance Program/Security professional/ Occupational Health Nurse or MD for assistance.
5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Inform other employees of the domestic violence circumstances on a need to know basis only. Wherever

possible, give advance notice to the employee who is experiencing domestic violence if you need to inform others about the domestic violence situation.

- 6.** Work with the victim, Human Resources, the Employee Assistance Program, the Legal department, union representatives, available Security staff, law enforcement, the Occupational Health office, and community domestic violence programs, if necessary, to assist the victim to develop a personal workplace safety plan (See Appendix A) and make reasonable accommodation of that plan. When assisting an employee to develop a personal workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a personal workplace safety plan, but allow them to decide what goes in the final plan. However, if it is determined that other employees or customers are at risk, it is essential to take measures to provide protection for them.
- 7.** If possible, the supervisor will make efforts to adjust the survivor/employee's work schedule and/or grant leave [sick, annual, shared, leave, compensatory time, or leave without pay] if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. Be sure to follow all applicable personnel policies and procedures, [union contract provisions,] and statutes. This approved leave should not be held against the employee.
- 8.** The employee should maintain communication with their manager during their absence. The employer should maintain the confidentiality of the employee's whereabouts.
- 9.** Work with Human Resource managers [and union representatives, if applicable,] to relocate employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons. If relocation is offered, it should not produce any reduction in pay, status, or benefits.
- 10.** Review the safety of parking arrangements. Make sure that parking areas are well lit. Provide security escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.
- 11.** With Human Resources or Communication department approval, post

information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, health and/or first aid offices, or where other employee resource information is located.

- 12.** Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of [Employer X], managers must work with Human Resources, the Legal department, Employee Assistance counselors, the Occupational Health Nurse/MD, and Security to ensure that the defendant is relocated to a workspace in which the defendant will have no contact with the plaintiff. If you observe violations of the protection orders, document these violations and call the police and/or contact the Legal department.
- 13.** Respect the employee's boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make numerous attempts to leave before she/he is finally able to leave her/his batterer. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.
- 14.** After consultation with Human Resources and legal counsel, take any appropriate corrective or disciplinary action consistent with policy and procedure [and collective bargaining agreements], up to and including termination, against employees who commit acts of domestic violence at [Employer X] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].
 - 15.** Inform subordinates on a periodic basis about the employer's policy and procedures on encouraging work environments free from violence, threats and harassment.

b. Human Resource Professionals:

- 1.** Participate in domestic violence training as provided.
- 2.** Maintain a list of services available to survivors and perpetrators of domestic violence. This list should include: the national domestic violence hotline number, (800) 799-SAFE, the State Domestic Violence Coalition number [(xxx)-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how to obtain

civil orders of protection and criminal justice options, and any other available community resources.

3. Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
4. Work with survivors, Security staff, the Legal department, [union representatives], the Occupational Health office, law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
5. Work with supervisors, managers, [and union representatives] to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
7. Consult legal counsel and advise supervisors and managers in considering corrective or disciplinary actions against employees who commit acts of domestic violence at [Employer X] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].
8. Work with the survivor, the manager, the Employee Assistance Program, the Legal department, [union representatives], the Occupational Health office, available Security staff, law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan for the victim. (See Appendix A). When assisting an employee to develop a workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.

c. Employee Assistance Professionals:

1. Participate in domestic violence training as provided.
2. Train staff on how to identify warning signs of potential violence in both the

survivor and the perpetrator, and on how to intervene most effectively.

3. Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including certified batterer's intervention programs. As these resources change frequently, it will be important to verify the referral information frequently.
4. Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management trainings.
5. Educate the employer about the Employee Assistance Program's ability to intervene in domestic violence situations. Inform management of the need to call the Employee Assistance counselor to consult about any domestic violence situations that they become aware of, including concerns about either survivors or perpetrators.
6. Work with survivors, Human Resource professionals, Security staff, the Legal department, [union representatives], the Occupational Health office, law enforcement and community domestic violence programs to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
7. Maintain strictest confidentiality and respect the survivor's need to be self-directing. When appropriate, with the survivor's written permission, provide advice and consultation to supervisors with respect to issues of domestic violence in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a survivor and abuses that person in the workplace, and access to any other needed services. Discuss with Human Resources any personnel policy which may negatively impact survivors.
8. Establish a relationship with domestic violence service agencies in the community, sharing information and resources. One method of establishing a working relationship with a community organization would be to ask their staff to participate in workplace educational events on domestic violence.

d. Occupational Health Professionals:

1. Participate in domestic violence training as provided.
2. Maintain a list of services available to survivors and perpetrators of domestic

violence. This list should include: the national domestic violence hotline number, (800) 799-SAFE, the State Domestic Violence Coalition number [(xxx)-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how to obtain civil orders of protection and criminal justice options, and any other available community resources.

- 3.** Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
- 4.** Work with survivors, Security staff, Human Resource Professionals, the Employee Assistance Program, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan (Appendix A) to minimize the risk to the victim, other employees, and clients.
- 5.** Work with supervisors, managers, [and union representatives] to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
- 6.** Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
- 7.** Screen for domestic violence all females seen for injury, chronic health problems, somatic complaints, pregnancy related issues, mental health problems, or substance abuse. Screen in a confidential setting. Use questions that are direct, specific and easy to understand, e.g. " Because violence is so common in many people's lives, I've begun to ask all my patients about it routinely. Are you in a relationship with a person who physically hurts or threatens you?" Screen verbally in addition to any written questionnaire forms used. When unable to converse fluently in the employee's primary language, use a professional translator or another healthcare provider fluent in the employee's language — do not use the employee's family or friends as translators when asking about domestic violence. Document that screening for domestic violence was done.
- 8.** With Human Resources or Communication department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, health and/or first aid offices, or

where other employee resource information or health related materials are located.

e. Security Services:

1. Participate in domestic violence training as provided.
2. Provide consultation and reasonable assistance to employees experiencing domestic violence.
3. Document violations of a restraining order.
4. Respond and intervene, as needed, to calls concerning safety in the workplace.
5. Accept transferred harassing telephone calls from the employee's abuser, and document the calls.
6. Work closely with appropriate law enforcement agencies to ensure workplace safety.
7. Keep a certified copy of any restraining orders provided by the employee to Security Services in a confidential file. Access to orders and information contained in them should be limited on a need to know basis.
8. Provide escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.
9. Work with survivors, Human Resource Professionals, the Employee Assistance Program, Occupational Health Office, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan (Appendix A) to minimize the risk to the victim, other employees, and clients.

f. Options for Employees who are Survivors of Domestic Violence:

1. Talk with a trusted co-worker, supervisor, [union representative], or manager about your situation.
2. Contact your nearest Employee Assistance Program office: [List phone numbers]
3. Contact the national domestic violence hotline at (800) 799-SAFE, the State Coalition Against Domestic Violence at [(xxx)xxx-xxxx], or the local domestic violence agency at [(xxx) xxx-xxxx].
4. Call the local police if you are in immediate danger.
5. Notify your supervisor of the possible need to be absent and find out your leave

options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.

6. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protection order to your supervisor, the Legal department, Security, and the police department. This assists your employer in identifying the abuser should he/she appear in the workplace.
7. Work with your supervisor, Human Resource manager, Security Staff, Employee Assistance Program manager, Occupational Health Nurse/MD or [union representative] to develop a safety plan (See Appendix A).
8. Obtain assistance for and documentation of any physical and/or mental health consequences of the abuse (including old injuries) from your workplace occupational health office (if available) and/or your primary care provider.

g. Options for Employees Who are Perpetrators of Domestic Violence:

1. Contact the nearest Employee Assistance Program office for confidential consultation and resources. [List phone numbers here].
2. Contact a batterer's intervention program: [List phone numbers here].

h. Options for Other Employees Who Have Concerns About Domestic Violence:

1. If you know or believe that a co-worker is a victim of domestic violence, communicate your concerns for her or his safety. Be clear that your role is to help and not to judge. Refer the employee to the Employee Assistance Program, a local domestic violence agency, or the national domestic violence hotline at (800) 799-SAFE. Maintain the confidentiality of the domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Discuss the employee's situation with employee assistance counselors, human resources, or a local domestic violence program for further guidance.
2. Report any threats or violence that you experience or witness to your supervisor, Human Resources, Security, or the Employee Assistance Program.
3. Volunteer at a local domestic violence shelter or organize a workplace drive for domestic violence shelters.

Sample Workplace Policy Appendix A

Components of a Workplace Safety Plan:

- a.** Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, your supervisor, Human Resources, the reception area, the Legal department, the Occupational Health office, and Security if the abusive partner may come to the work site. Ask co-workers and/or supervisors to call the police if the perpetrator threatens, harasses you at work or violates the civil order for protection in any way.
- b.** Consider providing a picture of the perpetrator to reception areas and/or security.
- c.** Consider identifying an emergency contact person should your employer be unable to contact you.
- d.** Review the safety of your parking arrangements.
- e.** Consider having Security escort you to and from your car or public transportation and/or obtaining special parking access.
- f.** Consider requesting a change and/or unpredictable rotations of your work schedule, work site, or work assignment if such a change is possible and would enhance your safety at work.
- g.** Consider having your telephone calls screened at work.
- h.** Consider requesting additional security measures for your work site. It may be possible to post security near your work site, install security cameras or silent alarms at your work site, relocate your work station to a more secure area, or provide you with a cellular phone for emergency use at work.
- i.** Review the safety of your childcare arrangements. If you have a protective order, make sure the provider has a copy.

Annotated Bibliography of Resources on Workplace Response to Domestic Violence

Training Curricula

Spokane County Domestic Violence Consortium. *Domestic Violence: It's a Workplace Issue!*
Spokane, WA: Spokane County Domestic Violence Consortium, 1996.

This manual defines domestic violence and provides an overview of the problem. The manual discusses domestic violence in the workplace and outlines employer/employee responsibilities, procedures and guidelines.

Spokane County Domestic Violence Consortium, 525 E. Mission, Spokane, WA 99202.
(509) 487-6783. \$50.00.



Johansen, Dixie. *When Domestic Violence Comes to Work: A Video for Employers, Managers and Employees*. Seattle: Intermedia, 1997.

This program addresses domestic violence and the workplace, from warning signs to employer liability, workplace policies to safety measures. It includes two videos, one for managers, and one for employees, and a 218-page Facilitator's Guide, with workshop preparations, a curriculum, overheads, workbooks, and a 45-page resource section.

Complete program is \$695.00, plus shipping and handling, from Intermedia, 1300 Dexter Avenue North, Seattle WA 98109. (800)553-8336. Free 30-day preview package available.

General Information

U.S. Department of Labor, Women's Bureau. "Domestic Violence: A Workplace Issue." *Facts on Working Women*. (Oct. 1996).

This publication includes information about domestic violence as a workplace issue; corporate and union response to domestic violence; and a list of government and community resources.

U.S. Department of Labor, Women's Bureau, (202) 219-6611. Also available on the website: http://gatekeeper.dol.gov/dol/wb/public/wb_pubs/domestic.htm

Friedman, Lucy, et al. "The Impact of Domestic Violence on the Workplace." in *Violence on the Job: Identifying Risks and Developing Solutions*. Eds. VanderBos and Bulatao, Washington, DC: American Psychiatric Association, 1996.

This comprehensive article addresses domestic violence and its effects on the workplace. Issues such as reduced productivity, higher staff turnover and increased healthcare costs are explored. Statistics illustrate ways in which batterers actively prevent women from working. The authors discuss the nature and breadth of domestic violence, corporate response including barriers and promising strategies, union response, welfare dependency, and research and education efforts to raise employers' recognition of the impact of abuse on the well-being of their employees and their companies.



Johnson, Hillary, "The Truth About White-Collar Domestic Violence."
Working Woman, (March 1996).

This article explodes myths and explores concerns facing white-collar victims of domestic abuse.

Working Woman Inc. 230 Park Ave. New York, New York 10169. (202) 551-9500.



Lloyd, Susan, "The Effects of Domestic Violence on Women's Employment."
Law and Policy, 19(Fall 1997).

This article examines the effects of both domestic and community violence on the labor force participation of low income women. It presents an analysis of qualitative data based on a survey of 824 African American and Latino women.

\$5.00. Make checks payable to Northwestern University. Publications Dept., Institute for Policy Research, Northwestern University, 2040 Sheridan Rd., Evanston, IL 60208-4100.



State Farm Research Department. *Public Opinion Concerning Domestic Violence and Associated Corporate Educational Efforts*. Peoria, Illinois: State Farm Insurance, 1995.

This 2 page report indicates that the public believes domestic violence is a significant problem and they would approve of an employer program to address the problem.

State Farm Research Department. (309) 766-3660.

Raphael, Jody. *Trapped By Poverty/Trapped By Abuse: New Evidence Documenting the Relationship*

Between Domestic Violence and Welfare. Chicago: Taylor Institute, 1997.

This report provides a summary and analysis of recent research studies to help identify the extent of domestic violence among women receiving welfare and to gauge the effects of this violence on women's lives, their use of welfare, and on their ability to become economically self-sufficient.

Taylor Institute, 915 Wolcott, Chicago, Illinois 60222. (773) 342-5510.

website: <http://www.umich.edu/~socwk/trapped>



Denham, Donna And Joan Gillespie And Barbara Cottrell. *Workplace Learnings About Woman Abuse: A Guide for Change.* Ontario, Canada: The National Clearinghouse on Family Violence, Health Welfare, 1995.

This guide can be used by anyone in the workplace who wants to become involved in the work to end domestic violence. The guide includes practical ideas as well as strategies and activities that have been implemented by varied organizations across Canada. Issues such as valuing diversity, involving men, and program challenges are addressed. Available in English and French.

The National Clearinghouse on Family Violence, Health Welfare Canada, Tunney's Pasture, Ottawa, Ontario, Canada K1A 1B5. (613) 957-2938.

Employer Resources

Roper Starch Worldwide Inc. *Addressing Domestic Violence: A Corporate Response.* New York: Patrice Tanaka & Co., 1994. Prepared for Liz Claiborne Inc.

This 23 page report is based on interviews with 100 senior executives in Fortune 1,000 companies across the U.S. The report indicates that a substantial number of corporate leaders describe domestic violence as having had a harmful effect on productivity, attendance, and health care costs.

Patrice Tanaka & Co. 320 W. 13th Street, 7th Floor, New York, New York 10014. (202) 229-0500.



Moskey, Stephen. *Domestic Violence Policy Checklists for the Workplace.* Oakland, ME: Kettle Cove Press, 1996.

This book shows how employers can use their existing programs — employee assistance programs, work/family and health benefits, and security and supervisory policies — to create

responses to domestic violence.

\$17.00 per copy, with volume discounts available. Kettle Cove Press, P.O. Box 540, Oakland, Maine 04963. (207) 872-0594, fax (207) 877-7884, email KETLCOVE@mint.net



Gillespie, Joan, "The Secret That Can't Be Left at Home: Family Violence and the Workplace." *Vis-A-Vis: A National Newsletter on Family Violence*.(1991) v9 n1.

This article discusses the importance of workplace response to domestic violence. It also explores how attitudes and behaviors encouraged in the workplace ultimately perpetuate male violence.

Canadian Council on Social Development, The National Clearinghouse on Family Violence, Health Welfare Canada, Tunney's Pasture, Ottawa, Ontario, Canada K1A 1B5. (613) 957-2938. Website: <http://www.hwc.ca/datahpsb/ncfv-cn.htm>



Isaac, Nancy, Sc.D. *Corporate Sector Response to Domestic Violence*. Cambridge, MA:Harvard Injury Control Center, Harvard School of Public Health, 1997.

This report examines the role that the corporate sector appears to be playing at present in responding to domestic violence as an issue affecting the health and safety of employees. The report includes interviews with corporate professionals in a wide variety of positions, a survey of both internal and external Employee Assistance Professionals, and a case study of the Polaroid Corporation's proactive response to domestic violence as an issue for both employees and within the community.



Knight, Jennifer A. "Loss Control Solution to Limiting Costs of Workplace Violence." *Corporate Cashflow*, (1994): v15 n8.

This article indicates that companies combating workplace violence, including domestic violence that spills into the workplace, not only report significantly lower levels of violence, harassment and stress, but less job dissatisfaction, burn-out and stress-related illness.

Denham, Donna And Joan Gillespie. *Wife Abuse: A Workplace Issue: A Guide for Change II*. Ottawa,

Ontario, Canada: The National Clearinghouse on Family Violence, 1992.

This guide, written by Donna Denham and Joan Gillespie, can be used by managers, EAP professionals, occupational health nurses, union representatives, and human resource professionals. The guide focuses on the needs of women who are abused by their partners and the impact of that abuse on the workplace. The guide includes personal accounts of the effect of domestic violence on the workplace from women who have been abused; an activities section including handouts for use in the development and facilitation of workplace workshops on domestic violence; an annotated list of printed materials and audio visual resources. Available in English and French.

The National Clearinghouse on Family Violence, Health Welfare Canada, Tunney's Pasture, Ottawa, Ontario, Canada K1A 1B5. (613) 957-2938.



EDK Associates for The Body Shop. *The Many Faces of Domestic Violence and Its Impact on the Workplace*. New York: EDK Associates, 1997.

In this survey nearly 1 in 4 women experience domestic violence. Of this group, 37% reported this abuse had an impact on their work performance.

The Body Shop, (919) 554-4900

Union Resources

AFSCME Women's Rights Department. *Domestic Violence: An AFSCME Guide for Union Action*. Washington, D.C.: AFSCME, 1995.

This 20 page booklet describes the nature and scope of domestic violence as well as why and how unions can respond to domestic violence. The booklet addresses issues for victims, stewards, and co-workers. A resource list also is included.

American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street, N.W., Washington, DC 20036. (202) 429-5090.

British Columbia Federation of Labor and Women's Research Center. *Taking Action: A Union Guide*

to *Ending Violence Against Women*. British Columbia: British Columbia Federation of Labor and the Women's Research Center, 1992.

This handbook addresses domestic abuse, workplace violence, child abuse, rape, and sexual harassment. Produced for union representatives, it includes personal anecdotes and practical strategies on how to raise awareness, offer individual assistance and build community support.

British Columbia Federation of Labor and the Women's Research Center. (604) 430-1421.



Labor Occupational Health Program. *Violence on the Job: A Guidebook for Labor and Management*. Berkeley: Labor Occupational Health Program, 1997.

This 108 page guidebook from the Labor Occupational Health Program is designed to help labor and management deal with the threat of violence in any type of workplace. The guidebook includes a detailed discussion of the problem as well as checklists, surveys, and other useful resource tools which can be used to develop a prevention program, inspect the worksite for security hazards, and select and implement control measures.

\$15.00 Make checks payable to the "Regents of UC." Labor Occupational Health Program, University of California, Berkeley, 2515 Channing Way, 2nd Floor, Berkeley, CA 94729-5120.

For Employees

Betancourt, Marian. *What to Do When Love Turns Violent*. New York: HarperCollins, 1997.

This book provides practical resources for women in abusive relationships. The book encourages survivors of domestic abuse to evaluate safety and seek help from local domestic violence advocates. The author addresses workplace response to domestic violence in a chapter titled, "How to Be Safe Where You Work."

For EAP/Member Assistance Professionals

Bryant, et al. "Adapting the Traditional EAP Model to Effectively Serve Battered Women in the Workplace." *Employee Assistance Quarterly*, 6(1990).

This article discusses crucial ways in which EAP professionals can recognize domestic violence both in the workplace and in the EAP assessment interview. The article introduces a new model of clinical EAP practice with this population.

Murphy, Patricia. *A Career & Life Planning Guide for Women Survivors Making the Connections Workbook*. Volcano, CA:Volcano Press, 1995.

This workbook can assist survivors when abuse makes it difficult or impossible for them to function as productive members of the workplace. A companion to *Making the Connections: Women, Work, and Abuse*, it can be used by professionals working with survivors or family members.

\$24.95. Volcano Press, P.O. Box 270, Volcano, CA 95689-0270, phone: (800) 879-9636.



Younger, Beverly LCSW. "Violence Against Women in the Workplace." *Employee Assistance Quarterly*, 9(1994) n3/4.

This article explores increased violence against women in the workplace. Case studies are used to examine the effects of relationship violence on the workplace. Information on assessment and prevention techniques useful to the employee assistance professional is also included.



Younger, Beverly LCSW. "Women At Risk: Crucial Violence Prevention Concerns For Female Employees." *EAPA Exchange*, (May 1995).

This article provides an analysis of workplace violence and discusses strategies employers and employee assistance professionals can implement to improve response to violence against women.

Legal Issues

Dietrich, Sharon, et al. "Violence and the Workplace: Exploring Employee Rights and Remedies." *Clearinghouse Review*, (1994 Special Issue).

This article analyzes avenues available for individuals to challenge dismissals related to their status as victims of violence while on or off the job. Available federal and state statutory remedies, as well as common-law theories applicable to the issue are summarized.

National Employment Law Project, 55 John St., New York, NY 10038. (212) 285-3025.



Eds. Goelman, Deborah, et al. *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*. Washington, D.C.: American Bar Association, 1996.

This handbook explains how lawyers can recognize the signs of domestic violence and respond effectively. A chapter titled, "Workplace Issues" includes information about Employee Assistance

Programs, corporate liability, management strategies, employee benefits, insurance discrimination against victims of abuse, and the role of insurers. A useful checklist accompanies each section of the handbook.



Speer, Rebecca A. "Workplace Violence: Moving Beyond the Headlines." *Women Lawyers Journal*, 83(Jan 1997).

This article discusses the complexity and pervasiveness of workplace violence, including domestic violence that spills into the workplace. It also examines many of the legal, practical, and ethical issues workplace violence raises for employers.



NOW Legal Defense and Education Fund. *The Impact of Violence in the Lives of Working Women*. New York: NOW Legal Defense and Education Fund, 1996.

This resource guide is designed to aid employers, managers, supervisors, and human resources personnel in addressing violence against women as it affects the workplace. It provides background information, explains pertinent legal issues, and suggests ways employers can develop solutions.

Send \$5.00 per copy to: NOW LDEF, 99 Hudson Street, New York, NY 10013.

For Occupational Health Professionals

Duda, Roberta A. "Workplace Domestic Violence." *American Association of Occupational Health Nurse Journal*, (Sept. 1997).

This article gives occupational health nurses, managers, and coworkers an increased understanding of the prevalence and cost of domestic violence and its effect on the workplace. The author discusses methods for identifying a domestic violence situation, evaluating the risk of lethality, and responding in constructive ways. The article also lists references for further information.



Ganley, Anne L. Ph.D. And Carole Warshaw M.D. *Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers*. San Francisco: Family Violence Prevention Fund, 1995.

This 250-page manual is designed to help health care providers develop and implement a comprehensive response to domestic violence in emergency department, primary care and ob/gyn

settings. It includes information about the dynamics of domestic violence, identification, screening, assessment and intervention with victims of domestic violence, responding to batterers, and developing and implementing response strategies. It also contains resource materials for patients and clinicians, model protocols, screening and discharge materials and other clinical tools.

This manual can be purchased for: \$75.00 from The Family Violence Prevention Fund, 383 Rhode Island Street, Suite 304, San Francisco, CA, 94103-5133, 415-252-8900

Security Issues

Center for Women in Government. "Hidden Violence Against Women At Work." *Women in Public Service*, 5(Fall 1995).

This 5 page report presents analysis of the high rates of assaults experienced by women working for state and local governments. A brief section on domestic violence and the workplace is also included.

A Special Report of the Center for Women in Government in conjunction with the American Federation of State, County and Municipal Employees, AFL-CIO.



Kinney, Joseph A. "When Domestic Violence Strikes the Workplace." *Human Resources Magazine*, 40(Aug. 1995):74-78.

This article focuses on the need for employers to establish early intervention programs to address threats before violence occurs. The author maintains that employees should be encouraged to report threats of violence to supervisors, human resources, security, the corporate legal department, etc. He also emphasizes that threats of domestic violence should be taken seriously and responded to effectively.



Sheedy, Eve F. "Domestic Violence and the Workplace" in *The Complete Workplace Violence Prevention Manual*. Costa Mesa, CA: James Publishing, 1996.

"Domestic Violence and the Workplace", written by Eve F. Sheedy, Esq., defines domestic violence, includes case studies and a lethality checklist. The manual also discusses procedures and preventive measures employers can implement to address domestic violence and liability issues.

\$387.00 (includes manual, quarterly updates and monthly newsletter). James Publishing Inc., 3520 Cadillac Ave., Ste. E, Costa Mesa, CA 92626. (714) 755-5450

National Victim Center. *Trauma Response After Workplace Violence*. Columbia, South Carolina: Post Trauma Resources, 1997.

This 11 page booklet lists components of an organized response to an incident of workplace violence including the psychological debriefing process, return to work programs, and EAP involvement.

National Victim Center. Post Trauma Resources. 1830 Bull Street, Columbia, South Carolina, 29201. (803) 765-0700.

Human Resources and Benefits Issues

Durborow, Nancy And Terry Fromson, Esq. *Insurance Discrimination Against Victims of Domestic Violence*. Pennsylvania: Women's Law Project and the Pennsylvania Coalition Against Domestic Violence, 1997.

This booklet illustrates the nature and scope of discrimination against victims of domestic violence by insurance carriers. The booklet includes case studies as well as discussions of State and Federal legislative activity geared to prohibit this type of insurance discrimination.



Michaud, Maryjane. *Risky Business: Unmasking Power and Control In The Workplace*. San Diego: Center for Community Solutions, 1997.

This workshop program, prepared for the California DHS/MCH Domestic Violence Section Project SafeNetwork Statewide Conference, is designed to examine power and control dynamics as they affect the workplace, and to seek innovative solutions.

Center for Community Solutions, 4508 Mission Bay Drive, San Diego, CA 92109.
Maryjane Michaud, MA (619) 272-5777



Solomon, Charlene M. "Talking Frankly About Domestic Violence." *Personnel Journal*, (April 1995)

This article uses case studies and research data to illustrate the ways in which domestic violence affects productivity, healthcare costs, and violence on the job. The article also examines corporate efforts to respond to domestic violence.

Workplace Violence Statistics

Bureau of Justice Statistics (BJS) <http://www.ojp.usdoj.gov/bjs/>

The Bureau of Justice Statistics (BJS) is the nation's primary source for criminal justice statistical information. BJS collects and analyzes information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government.



Domestic Violence Intervention Services, Inc., *Domestic Violence: An Occupational Impact Study* Tulsa, Oklahoma, July 1992. (reporting that 96% of battered women experienced abuse-related problems at work).



National Institute for Occupational Safety and Health. *Violence in the Workplace: Risk Factors and Prevention Strategies*. Cincinnati, OH: NIOSH Publications Dissemination, 1996. (800) 356-4674. This publication describes fatal and non-fatal workplace assaults including reports by gender.



Justice Research and Statistics Association. *Domestic and Sexual Violence Data Collection: A Report to Congress under the Violence against Women Act*, Washington, D.C.: A Joint Publication of the National Institute of Justice and the Bureau of Justice Statistics, July 1996.

National Institute of Justice (NIJ) is the primary federal sponsor of research in crime and criminal justice and of evaluations of programs to reduce crime. NIJ also develops new technologies and establishes model programs.

<http://www.ncjrs.org/nijhome.htm>



National Institute of Justice Research Report. *Victim Costs and Consequences: A New Look*. Washington, D.C.:National Institute of Justice, 1996. This 43 page report documents the results of a 2-year multidisciplinary research effort to estimate the costs and consequences of personal crime for Americans. ("Domestic crime against adults accounts for almost 15 percent of total crime costs — \$67 billion per year.")

<http://www.ncjrs.org/txtfiles/victcost.txt>

Arizona Revised Statutes

§ 13-1201 - Endangerment; classification

- A. A person commits endangerment by recklessly endangering another person with a substantial risk of imminent death or physical injury.
- B. Endangerment involving a substantial risk of imminent death is a class 6 felony. In all other cases, it is a class 1 misdemeanor.

§ 13-1202 - Threatening or intimidating; classification

- A. A person commits threatening or intimidating if such person threatens or intimidates by word or conduct:
1. To cause physical injury to another person or serious damage to the property of another; or
 2. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly, or transportation facility; or
 3. To cause physical injury to another person or damage to the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, a criminal syndicate or a racketeering enterprise.
- B. Threatening or intimidating pursuant to subsection A, paragraph 1 or 2 is a class 1 misdemeanor. Threatening or intimidating pursuant to subsection A, paragraph 3 is a class 4 felony.

§ 13-1203 - Assault; classification

- A. A person commits assault by:
1. Intentionally, knowingly or recklessly causing any physical injury to another person; or
 2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or
 3. Knowingly touching another person with the intent to injure, insult or provoke such person.
- B. Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor.

§ 13-1204 - Aggravated assault; classification

A. A person commits aggravated assault if the person commits assault as defined in section 13-1203 under any of the following circumstances:

1. If the person causes serious physical injury to another.
2. If the person uses a deadly weapon or dangerous instrument.
3. If the person commits the assault after entering the private home of another with the intent to commit the assault.
4. If the person is eighteen years of age or more and commits the assault upon a child the age of fifteen years or under.
5. If the person commits the assault knowing or having reason to know that the victim is a peace officer, or a person summoned and directed by the officer while engaged in the execution of any official duties.
6. If the person commits the assault knowing or having reason to know the victim is a teacher or other person employed by any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, or any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties, or any teacher engaged in any authorized and organized classroom activity held on other than school grounds.
7. If the person meets both of the following conditions:
 - (a) Is imprisoned or otherwise subject to the custody of any of the following:
 - (i) The state department of corrections.
 - (ii) The department of juvenile corrections.
 - (iii) A law enforcement agency.
 - (iv) A county or city jail or an adult or juvenile detention facility of a city or county.
 - (v) Any other entity that is contracting with the state department of corrections, the department of juvenile corrections, a law enforcement agency, another state, any private correctional facility, a county, a city or the federal bureau of prisons or other federal agency that has responsibility for sentenced or unsentenced prisoners.
 - (b) Commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities prescribed by subdivision (a) of this paragraph.
8. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.

9. If the person commits the assault knowing or having reason to know that the victim is a fire fighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties, or a person summoned and directed by such individual while engaged in the execution of any official duties.

10. If the person commits the assault knowing or having reason to know that the victim is a licensed health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. The provisions of this paragraph do not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550 or is afflicted with Alzheimer's disease or related dementia.

11. If the person commits assault by any means of force which causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

12. If the person commits assault as prescribed by section 13-1203, subsection A, paragraph 1 or 3 and the person is in violation of an order of protection issued against the person pursuant to section 13-3602 or 13-3624.

B. Except pursuant to subsection C of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section is a class 3 felony except if the victim is under fifteen years of age in which case it is a class 2 felony punishable pursuant to section 13-604.01. Aggravated assault pursuant to subsection A, paragraph 11 of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 7 of this section is a class 5 felony. Aggravated assault pursuant to subsection A, paragraph 3, 4, 5, 6, 8, 9, 10 or 12 of this section is a class 6 felony.

C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 11 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 5 of this section resulting in any physical injury to a peace officer while the officer is engaged in the execution of any official duties is a class 5 felony.

§ 13-1302 - Custodial interference; child born out of wedlock; defenses; classification

A. A person commits custodial interference if, knowing or having reason to know that the person has no legal right to do so, the person does one of the following:

1. Takes, entices or keeps from lawful custody any child, or any person who is incompetent, and who is entrusted by authority of law to the custody of another person or institution.
2. Before the entry of a court order determining custodial rights, takes, entices or withholds any child from the other parent denying that parent access to any child.
3. If the person is one of two persons who have joint legal custody of a child takes, entices or withholds from physical custody the child from the other custodian.
4. At the expiration of access rights outside this state, intentionally fails or refuses to return or impedes the return of a child to the lawful custodian.

B. If a child is born out of wedlock, the mother is the legal custodian of the child for the purposes of this section until paternity is established and custody or access is determined by a court.

C. It is a defense to a prosecution pursuant to subsection A, paragraph 2 if both of the following apply:

1. The defendant has begun the process to obtain an order of protection or files a petition for custody within a reasonable period of time and the order of protection or petition states the defendant's belief that the child was at risk if left with the other parent.
2. The defendant is the child's parent and has the right of custody and the defendant either:
 - (a) Has a good faith and reasonable belief that the taking, enticing or withholding is necessary to protect the child from immediate danger.
 - (b) Is a victim of domestic violence by the other parent and has a good faith and reasonable belief that the child will be in immediate danger if the child is left with the other parent.

D. A violation of this section is:

1. A class 3 felony if committed by a person other than the parent or agent of the parent or custodian or agent of the custodian.
2. Notwithstanding paragraph 3 of this subsection, a class 4 felony if the child or incompetent person is taken, enticed or kept from lawful custody out of this state by the parent or agent of the parent or custodian or the agent of the custodian.
3. A class 6 felony if committed by a parent or agent of the parent or custodian or agent of the custodian.
4. A class 1 misdemeanor if the child or incompetent person is voluntarily returned without physical injury prior to arrest or the issuance of an arrest warrant.

§ 13-1303 - Unlawful imprisonment; classification

A. A person commits unlawful imprisonment by knowingly restraining another person.

B. In any prosecution for unlawful imprisonment, it is a defense that:

1. The restraint was accomplished by a peace officer acting in good faith in the lawful performance of his duty; or
2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical injury.

C. Unlawful imprisonment is a class 6 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place prior to arrest in which case it is a class 1 misdemeanor.

§ 13-1304 - Kidnapping; classification; consecutive sentence

A. A person commits kidnapping by knowingly restraining another person with the intent to:

1. Hold the victim for ransom, as a shield or hostage; or
2. Hold the victim for involuntary servitude; or
3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
4. Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or such third person.
5. Interfere with the performance of a governmental or political function.
6. Seize or exercise control over any airplane, train, bus, ship or other vehicle.

B. Kidnapping is a class 2 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place prior to arrest and prior to accomplishing any of the further enumerated offenses in subsection A of this section in which case it is a class 4 felony.

If the victim is released pursuant to an agreement with the state and without any physical injury, it is a class 3 felony. If the victim is under fifteen years of age kidnapping is a class 2 felony punishable pursuant to section 13-604.01. The sentence for kidnapping of a victim under fifteen years of age shall run consecutively to any other sentence imposed on the defendant and to any undischarged term of imprisonment of the defendant.

§ 13-1502 - Criminal trespass in the third degree; classification

A. A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.
2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

B. Criminal trespass in the third degree is a class 3 misdemeanor.

§ 13-1503 - Criminal trespass in the second degree; classification

A. A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.

B. Criminal trespass in the second degree is a class 2 misdemeanor.

§ 13-1504 - Criminal trespass in the first degree; classification

A. A person commits criminal trespass in the first degree by knowingly:

1. Entering or remaining unlawfully in or on a residential structure or in a fenced residential yard; or
2. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.
3. Entering unlawfully on real property subject to a valid mineral claim or lease with the intent to hold, work, take or explore for minerals on such claim or lease.
4. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.

B. Criminal trespass in the first degree is a class 6 felony if it is committed by entering or remaining unlawfully in or on a residential structure or committed pursuant to subsection A, paragraph 4. Criminal trespass in the first degree is a class 1 misdemeanor if it is committed by entering or remaining unlawfully in a fenced residential yard or committed pursuant to subsection A, paragraph 2 or 3.

§ 13-2904 - Disorderly conduct; classification

A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency; or
6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

B. Disorderly conduct under subsection A, paragraph 6 is a class 6 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4 or 5 is a class 1 misdemeanor.

§ 13-2921 - Harassment; classification; definition

A. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:

1. Anonymously or otherwise communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.
2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
3. Repeatedly commits an act or acts that harass another person.
4. Surveils or causes another person to surveil a person for no legitimate purpose.
5. On more than one occasion makes a false report to a law enforcement, credit or social service agency.
6. Interferes with the delivery of any public or regulated utility to a person.

B. A person commits harassment against a public officer or employee if the person, with intent to harass, files a nonconsensual lien against any public officer or employee that is not accompanied by an order or a judgment from a court of competent jurisdiction authorizing the filing of the lien or is not issued by a governmental entity or political subdivision or agency pursuant to its statutory authority, a validly licensed utility or water delivery company, a mechanics' lien claimant or an entity created under covenants, conditions, restrictions or declarations affecting real property.

C. Harassment under subsection A is a class 1 misdemeanor. Harassment under subsection B is a class 5 felony.

D. This section does not apply to an otherwise lawful demonstration, assembly or picketing.

E. For purposes of this section, “harassment” means conduct directed at a specific person which would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.

§ 13-2921.01 - “Aggravated harassment; classification; definition

A. A person commits aggravated harassment if the person commits harassment as provided in section 13-2921 and any of the following applies:

1. A court has issued an order of protection or an injunction against harassment against the person and in favor of the victim of harassment and the order or injunction has been served and is still valid.
2. The person has previously been convicted of an offense included in section 13-3601.

B. The victim of any previous offense shall be the same as in the present offense.

C. A person who violates subsection A, paragraph 1 of this section is guilty of a class 6 felony. A person who commits a second or subsequent violation of subsection A, paragraph 1 of this section is guilty of a class 5 felony. A person who violates subsection A, paragraph 2 of this section is guilty of a class 5 felony.

D. For the purposes of this section, “convicted” means a person who was convicted of an offense included in section 13-3601, who had judgment deferred pursuant to section 13-3601, subsection M or who was adjudicated delinquent for conduct that would constitute a historical prior felony conviction if the juvenile had been tried as an adult for an offense included in section 13-3601.

§ 13-2923 - Stalking; classification; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

1. Would cause a reasonable person to fear for the person’s safety or the safety of that person’s immediate family member and that person in fact fears for their safety or the safety of that person’s immediate family member.

B. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 is a class 3 felony.

C. For the purposes of this section:

1. "Course of conduct" means maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.
2. "Immediate family member" means a spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past six months.

§ 13-3601 - Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure; notice; report; diversion; notice

A. "Domestic violence" means any act which is a dangerous crime against children as defined in section 13-604.01 or an offense defined in section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3, 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923 or 13-3623, if any of the following apply:

1. The victim:

- (a) Is the spouse or former spouse of the defendant.
- (b) Is the parent of a child of the defendant.
- (c) Is pregnant by the defendant.

(d) Resides or resided in the same household and is the opposite sex of the defendant.

2. The victim is related to the defendant or the defendant's spouse by blood as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepchild, step-grandchild, brother-in-law or sister-in-law.

B. A peace officer may, with or without a warrant, arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense is a felony or a misdemeanor and whether such offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving

the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.

D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.

E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.

F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving

the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor

G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.

H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.

I. A person arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions which the court deems appropriate, including participation in any counseling programs available to the defendant.

J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of such victim including:

1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.
2. The emergency telephone number for the local police agency.
3. Telephone numbers for emergency services in the local community

K. A peace officer is not civilly liable for noncompliance with subsection J of this section.

L. An offense included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified.

M. If the defendant is found guilty of an offense included in domestic violence and if probation is otherwise available for such offense, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation or intensive probation, as provided in this subsection. The terms and conditions of probation or intensive probation shall include those necessary to provide for the protection of the alleged victim and other specifically designated persons and additional conditions and requirements

which the court deems appropriate, including imposition of a fine, incarceration of the defendant in a county jail, payment of restitution, completion of a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other counseling or diversionary programs that do not involve domestic violence and that are available to the defendant. On violation of a term or condition of probation or intensive probation, the court may enter an adjudication of guilt and proceed as otherwise provided for revocation of probation. On fulfillment of the terms and conditions of probation or intensive probation, the court shall discharge the defendant and dismiss the proceedings against the defendant. This subsection does not apply in any case in which the defendant has previously been found guilty under this section, or in which charges under this section have previously been dismissed in accordance with this subsection.

N. If a defendant is diverted pursuant to this section, the court shall provide the following written notice to the defendant:

You have been diverted from prosecution for an offense included in domestic violence. You are now on notice that:

1. If you successfully complete the terms and conditions of diversion, the court will discharge you and dismiss the proceedings against you.
2. If you fail to successfully complete the terms and conditions of diversion, the court may enter an adjudication of guilt and proceed as provided by law.

O. If the defendant is found guilty of a first offense included in domestic violence, the court shall provide the following written notice to the defendant:

You have been convicted of an offense included in domestic violence. You are now on notice that:

1. If you are convicted of a second offense included in domestic violence, you may be placed on supervised probation and may be incarcerated as a condition of probation.
2. If you are convicted of a third or subsequent offense included in domestic violence, you will be sentenced to a term of incarceration.

P. The failure or inability of the court to provide the notice required under subsections N and O of this section does not preclude the use of the prior convictions for any purpose otherwise permitted.

13-3601.01 - Domestic violence; treatment; definition

A. The judge shall order a person who is convicted of a misdemeanor domestic violence offense to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department. The department of health services shall adopt and enforce guidelines that establish standards for domestic violence offender treatment program approval.

B. Beginning January 1, 1999, if a person within a period of sixty months is convicted of a second violation of a domestic violence offense or is convicted of a domestic violence offense and has previously been convicted of an act in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense, the judge may order the person to be placed on supervised probation for up to twelve months and the person may be incarcerated as a condition of probation. If the court orders supervised probation, the court may conduct an intake assessment when the person begins the term of probation and may conduct a discharge summary when the person is released from probation. If the person is incarcerated and the court receives confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence, may provide in the sentence that the person, if the person is employed or is a student and can continue the person's employment or studies, may continue the employment or studies for not more than twelve hours a day nor more than five days a week. The person shall spend the remaining day, days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the actual hours of employment or studies.

C. The person shall pay the cost of the domestic violence offender treatment program.

D. If a person is ordered to attend a domestic violence offender treatment program pursuant to this section, the program shall report to the court whether the person has attended the program and has successfully completed the program.

E. For the purposes of this section, "domestic violence offense"; means an offense involving domestic violence as defined in section 13-3601 or aggravated domestic violence as prescribed in section 13-3601.02.

13-3601.02 - Aggravated domestic violence; classification; definition

A. A person is guilty of aggravated domestic violence if the person within a period of sixty months commits a third or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.

B. A person convicted under this section who within a period of sixty months has been convicted of two prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in jail.

C. A person convicted under this section who within a period of sixty months has been convicted of three or more prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in jail.

D. The dates of the commission of the offenses are the determining factor in applying the sixty month provision in subsection A of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.

E. For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply only to convictions for offenses that were committed on or after January 1, 1999.

F. Aggravated domestic violence is a class 5 felony.

G. For the purposes of this section, “domestic violence offense” means an offense involving domestic violence as defined in section 13-3601 or aggravated domestic violence as prescribed in this section.

§ 13-3602 - Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction

A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.

B. An order of protection shall not be granted:

1. Unless the party who requests the order files a written verified petition for an order.
2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
3. Against more than one defendant.

C. The petition shall state the:

1. Name of the plaintiff. The plaintiff's address shall be disclosed to the court for purposes of service. If the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected. On the plaintiff's request, the address shall not be listed on the petition. Whether the court issues an order of protection, the protected address shall be maintained in a separate document or automated data base and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
2. Name and address, if known, of the defendant.
3. Specific statement, including dates, of the domestic violence alleged.
4. Relationship between the parties pursuant to § 13-3601, subsection A and whether there is pending between the parties an action for annulment, legal separation or dissolution of marriage.
5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct which is sought to be restrained.
6. Desired relief.

D. The amount and payment of filing fees for a petition filed under this section are established pursuant to §§ 12-284, 22-281 and 22-404. Filing fees and fees for service of process may be deferred or waived under any rule, statute or other law applicable to civil actions, the court shall advise a plaintiff

that the plaintiff may be eligible for the deferral or waiver of these fees at the time the plaintiff files the petition. The court shall not require the petitioner to perform community service as a condition of the waiver or deferral of filing fees and fees for service of process. A law enforcement agency or constable shall not require the advance payment of fees for service of process of orders of protection. If fees have not been waived, the serving agency may assess the actual fees against the plaintiff. On request of the plaintiff, each order of protection issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order. On request of the plaintiff, each order of protection issued by a justice of the peace shall be served by the constable for that jurisdiction if the defendant can be served within the jurisdiction. If the defendant cannot be served within that jurisdiction, the constable in the jurisdiction in which the defendant can be served shall serve the order. On request of the plaintiff, each order of protection issued by a superior court judge shall be served by the sheriff of the county. If the defendant cannot be served within that jurisdiction, the sheriff in the jurisdiction in which the defendant can be served shall serve the order. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area.

E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:

1. The defendant may commit an act of domestic violence.
2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.

F. For purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.

G. If a court issues an order of protection the court may do any of the following:

1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.

2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result.
3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer immediately after service of the order any firearm owned or possessed by the defendant to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.

H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.

I. At any time during the period during which the order is in effect, a party under an order of protection or restrained from contacting the other party is entitled to one hearing on written request. A hearing requested by a party under an order of protection or restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.

J. The order shall include the following statement:

Warning

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires six months after service on the defendant. A modified order is effective upon service and expires six months after service of the initial order and petition. Beginning on January 1, 1999, an order expires one year after service on the defendant and a modified order expires one year after service of the initial order and petition.

L. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person shall be by telefacsimile or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by telefacsimile, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order was issued shall register a copy of the order of protection and a copy of the affidavit of service of process or acceptance of service with the sheriff's office in the county in which the plaintiff resides. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of six months from the date of service of the order on the defendant. Beginning on January 1, 1999, a copy of an order, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the injunction on the defendant. Any changes or modifications of the order are effective upon entry of an order of the court and shall be registered with the sheriff within twenty-four hours of the entry of the order, excluding weekends and holidays.

M. A peace officer may, with or without a warrant, arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order issued in any jurisdiction in this state pursuant to this section, whether or not such

violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

N. A person arrested pursuant to subsection M of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions which the court deems appropriate, including participation in any counseling programs available to the defendant.

O. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on its ex parte order of protection involving the exclusive use of the parties' residence if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter

an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, § 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

1. An action has been commenced but a final judgment, decree or order has not been entered.
2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.

P. A peace officer making an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for such arrest if the officer acts upon probable cause and without malice.

Q. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer may serve an order of protection issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.

R. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:

1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to, another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.

3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:

(a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.

(b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.

4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

§ 13-411 - Justification; use of force in crime prevention

A. A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary to prevent the other's commission of arson of an occupied structure under section 13-1704, burglary in the second or first degree under section 13-1507 or 13-1508, kidnapping under section 13-1304, manslaughter under section 13-1103, second or first degree murder under section 13-1104 or 13-1105, sexual conduct with a minor under section 13-1405, sexual assault under section 13-1406, child molestation under section 13-1410, armed robbery under section 13-1904, or aggravated assault under section 13-1204, subsection A, paragraphs 1 and 2.

B. There is no duty to retreat before threatening or using deadly physical force justified by subsection A of this section.

C. A person is presumed to be acting reasonably for the purposes of this section if he is acting to prevent the commission of any of the offenses listed in subsection A of this section.

§ 13-4419 - Victim conference with prosecuting attorney

A. On request of the victim, the prosecuting attorney shall confer with the victim about the disposition of a criminal offense, including the victim's views about a decision not to proceed with a criminal prosecution, dismissal, plea or sentence negotiations and pretrial diversion programs.

B. On request of the victim, the prosecuting attorney shall confer with the victim before the commencement of the trial.

C. The right of the victim to confer with the prosecuting attorney does not include the authority to direct the prosecution of the case.

§ 13-602 - Designation of offenses

A. The particular classification of each felony defined in this title is expressly designated in the section or chapter defining it. Any offense defined outside this title which is declared by law to be a felony without either specification of the classification or of the penalty is a class 5 felony.

B. The particular classification of each misdemeanor defined in this title is expressly designated in the section or chapter defining it. Any offense defined outside this title which is declared by law to be a misdemeanor without either specification of the classification or of the penalty is a class 2 misdemeanor.

C. Every petty offense in this title is expressly designated as such. Any offense defined outside this title without either designation as a felony or misdemeanor or specification of the classification or the penalty is a petty offense.

D. Any offense which is declared by law to be a felony, misdemeanor or petty offense without specification of the classification of such offense is punishable according to the penalty prescribed for such offense.

E. Any offense defined within or outside this title without designation as a felony, misdemeanor or petty offense is punishable according to the penalty prescribed for such offense.

F. Any offense defined outside this title with a specification of the classification of such offense is punishable according to the provisions of this title.

G. Any petty offense, class 3 misdemeanor or class 2 misdemeanor, except a violation of title 28, is deemed a minor nontraffic offense for the limited purpose of armed forces recruitment.

§ 13-604 - Dangerous and repetitive offenders; definitions

A. Except as provided in subsection F, G or H of this section or section 13-604.01, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a class 4, 5 or 6 felony, whether a completed or preparatory offense, and who has a historical prior felony conviction shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

Felony	Minimum	Presumptive	Maximum
Class 4	3 years	4.5 years	6 years
Class 5	1.5 years	2.25 years	3 years